

## ANNEX 9A : RESERVATION FOR EXISTING MEASURES AND LIBERALIZATION COMMITMENTS

### Section 1: Headnotes

1. Where appropriate, reservations are referenced to the Provisional Central Product Classification (CPC) as set out in Statistical Office of the United Nations Statistical Papers, Series M, No. 77, Provisional Central Product Classification, 1991 (UN CPC code).
2. This Annex sets out the reservations taken by each Party for measures that do not conform with obligations imposed by Articles 9.3, 9.4 and 9.5, and Articles 10.4 , 10.7 and 10.8.
3. All measures affecting Articles 9.3, 9.4 and 9.5, and Articles 10.4 , 10.7 and 10.8 shall be stated in the description. In the interpretation of a reservation, all elements of the reservation shall be considered in their totality.
4. Local Presence and National Treatment are separate disciplines and a measure that is only inconsistent with Local Presence need not be reserved against National Treatment.
5. If the non-conforming measures listed in Annex 9A are measures of the central government and are delegated to a local government after the entry into force of this Agreement, the local government, thereafter, shall have the same level of power to maintain or amend those non-conforming measures as the central government did.
6. The reservations and commitments relating to trade in services shall be read together with the relevant guidelines, stated in GATT documents MTN.GNS/W/164 dated 3 September 1993 and MTN.GNS/W/164 Add.1 dated 30 November 1993.
7. Each reservation sets out the following elements:
  - (a) **Sector** refers to the general sector in which the reservation is taken;
  - (b) **Sub-Sector** refers to the specific sector in which the reservation is taken;
  - (c) **Industry Classification** refers, where applicable, to the activity covered by the reservation according to the UN CPC code or domestic industry classification codes;
  - (d) **Type of Reservation** specifies the obligation (Market Access, National Treatment, Local Presence, Performances Requirements, Senior Management and Board of Directors) for which a reservation is taken;
  - (e) **Source of Measure** identifies the laws, regulations, rules, procedures, decisions, administrative actions or any other forms in relation to the non-conforming measures for which the reservation is taken. A measure cited in the **Source of Measure** element is any existing measure in force as of the date of entry into force of this Agreement and any subordinate measure adopted or maintained thereunder;
  - (f) **Description of Reservation** sets out the non-conforming measure to which the reservation applies; and
  - (g) **Phase-out** sets out commitments, if any, for liberalization after the date of entry into force of this Agreement.

## Section 2 : Schedule of Korea

**Sector:** All Sectors

**Sub-sector:**

**Industry Classification:**

**Type of Reservation:** National Treatment

**Source of Measure:** Article 5 and 8 of the *Foreign Investment Promotion Act* (Law No. 7039, Dec. 31, 2003)

Article 6 and 8 of the *Enforcement Decree of the Foreign Investment Promotion Act* (Presidential Decree No. 18221, Jan. 13, 2004)

Article 2 and 5 of the *Ordinance of Foreign Investment Promotion Act*

**Description:** Investment

A foreigner who intends to make a foreign direct investment shall, in advance, make report to the Minister of Commerce, Industry and Energy in accordance with the Ordinance of the Ministry of Commerce, Industry and Energy. The same shall apply to any modification of matters such as the amount of foreign direct investment and the ratio.

The term "foreign direct investment" shall refer to any of the following;

(a) Where a foreigner purchases, under the conditions prescribed by the Presidential Decree, stocks or holdings of a Korean corporation (including a Korean corporation in the process of being established) or a company run by a national of the Republic of Korea, for the purpose of establishing a continuous relationship with and participating in the management of said Korean corporation or company;

(b) Where a loan with the maturity of not less than five years is extended to a foreign-capital invested company by its overseas holding company or by a company in a relationship with said holding company of the capital investment prescribed by the Presidential Decree;

<b>Sector:</b>	All Sectors
<b>Sub-sector:</b>	
<b>Industry Classification:</b>	
<b>Type of Reservation:</b>	Performance Requirements
<b>Source of Measure:</b>	Law No. 7154 Articles 24, 27 of the <i>Act on Employment Promotion and Vocational Rehabilitation for the Disabled</i> , Jan. 29, 2004  <i>Presidential Decree No. 18415</i> Article 24 of the <i>Enforcement Decree of the Act</i> , June 5, 2004
<b>Description:</b>	<u>Investment</u>  Owners of a business hiring over a particular number of workers (currently 50 workers or more) are required to employ the disabled within 5 percent of the total number of employees as set by the Presidential Decree (currently at 2%). Those who fail to meet this requirement will have to pay a levy.

<b>Sector:</b>	Business Services
<b>Sub-sector:</b>	Professional Services
<b>Industry Classification:</b>	CPC 8671 Architectural Services
<b>Type of Reservation:</b>	Local Presence
<b>Source of Measure:</b>	<p>Article 23 of the <i>Certified Architects Act</i> (Law No. 6503, Aug. 14, 2001)</p> <p>Articles 22, 23 of its <i>Enforcement Decree</i> (Presidential Decree No. 18312, Mar. 17, 2004)</p> <p>Article 13 of its <i>Enforcement Regulations</i> (Ordinance of the MOCT No. 368, Jul. 25, 2003)</p>
<b>Description:</b>	<p><u>Cross-Border Trade in Services</u></p> <p>A person who intends to operate architectural services business shall hold a license issued in Korea, shall establish an office in Korea, and shall register with the Minister of Construction and Transportation(MOCT) as required by the Certified Architects Act, its Enforcement Decree and its Enforcement Regulation.</p>

<b>Sector:</b>	Business Services
<b>Sub-sector:</b>	Industrial Safety and Health Institution
<b>Industry Classification:</b>	CPC 867 Architectural, Engineering and Other Technical Services CPC 92900 Other Education Services CPC 93199 Other Human Health Services
<b>Type of Reservation:</b>	Local Presence
<b>Source of Measure:</b>	<i>Law No. 6847 The Article 15, 16, 30, 31, 36, 42, 43, 49 of the Industrial Safety &amp; Health Act, Dec, 30, 2002</i>
<b>Description:</b>	<u>Cross-Border Trade in Services</u>

In the case where an occupational safety·health service institution wishes to provide safety·health management or diagnosis service under the Industrial Safety and Health Act, the institution must be present in the territory of Republic of Korea, should have manpower, facilities and equipments prescribed by safety·health related regulations and should be designated by the Director of the Regional Labor Office in charge of the area that the business, they wish to provide the service, is located.

\* Type of service institution : Safety management service institution(Article 15), Health management service institution(Article 16), Specialized institution providing guidance on accident prevention(Article 30), Designated educational institution(Article 31), Designated inspection institution for dangerous machines and instruments(Article 36), Designated monitoring institution(Article 42), Special health examination institution(Article 43), Safety and health diagnosis institution(Article 49)

<b>Sector:</b>	Business Services
<b>Sub-Sector:</b>	Other Business Services
<b>Industry Classification:</b>	CPC 86752~4 Science and Technology Related Consulting Services (Surveying Business)
<b>Type of Reservation:</b>	Local Presence
<b>Source of Measure:</b>	Article 39 of the <i>Surveying Act</i> (Law No. 7102, Jan. 20, 2004) Articles 15, 16, 18 of its <i>Enforcement Decree</i> (Presidential Decree No. 18476, Jan. 20, 2004) Article 19 of its <i>Enforcement Regulations</i> (Ordinance of the MOCT No. 404, Jul. 21, 2004)
<b>Description:</b>	<p><u>Cross-Border Trade in Services</u></p> <p>A person who intends to operate a surveying business shall establish an office and register with the Minister of Construction and Transportation or with the mayor of “shi” or governor of “do” according to the categories as set by the Presidential Decree.</p> <p>** It is understood that the stipulations of Article 18 table 2 of the Presidential Decree (“a foreigner applying for registration of surveying business shall have established and registered a place of business within Korea”) is to emphasize the LP requirement.</p>

<b>Sector:</b>	Business services
<b>Sub-Sector:</b>	Advertising
<b>Industry Classification:</b>	CPC 871 – Advertising Services
<b>Type of Reservation:</b>	Performance Requirements Senior Management and Boards of Directors
<b>Source of Measure:</b>	<i>Law No.7213, The Article 13 and 73 of the Broadcasting Act, March 22, 2004</i> <i>Law No.6138, The Article 11 of Korea Broadcasting Advertising Corporation Act, Jan 12, 2000</i>
<b>Description:</b>	<p><u>Investment</u></p> <p>Those who are not Korean nationals shall not be the representative or chief programmer of an electric billboard operator.</p> <p>A representative of a foreign legal entity or organization shall not be the representative or chief programmer of an electric billboard operator.</p> <p>There are minimum non-profit advertisement requirements for electric billboard broadcasting services.</p> <p>Those who are not Korean nationals shall not be the representative or member of Board of Directors of Korea Broadcasting Advertising Corporation.</p>

<b>Sector:</b>	Business Services
<b>Sub-Sector:</b>	Professional Services
<b>Industry Classification:</b>	CPC 8672 Engineering Services
<b>Type of Reservation:</b>	Local Presence
<b>Source of Measure:</b>	<p>Article 8 of <i>Act on Assessment of Impacts of Works on the Environment, Traffic, Disasters, etc.</i> (Law No. 7186, Mar. 11, 2004)</p> <p>Article 4, 5 of <i>its Enforcement Regulation</i> (Ordinance of the MOCT No. 383, Dec. 19, 2003)</p>
<b>Description:</b>	<p><u>Cross-Border Trade in Services</u></p> <p>A person who intends to establish a “traffic impact assessment agency” for the purpose of providing traffic impact assessment services shall hold a proper license (professional engineer in the field of transportation) issued in Korea, shall establish a business in Korea, and shall register with the Minister of Construction and Transportation in accordance with the Act on Assessment of Impacts of Works on the Environment, Traffic, Disasters, etc. and its Enforcement Regulation.</p>



<b>Sector:</b>	Business Services
<b>Sub-sector:</b>	Professional Services
<b>Industry Classification:</b>	CPC 8672 Engineering Services CPC 8673 Integrated Engineering Services CPC 86762 Testing & analysis services of physical properties
<b>Type of Reservation:</b>	Local Presence
<b>Source of Measure:</b>	Article 9 of the <i>Special Act on the Safety Control of Public Structures</i> (Law No. 6941, Jul 25, 2003)  Articles 10, 11 of its <i>Enforcement Decree</i> (Presidential Decree No. 18312, Mar. 17, 2004)   Articles 25, 28 of the <i>Construction Technology Management Act</i> (Law No. 7171, Feb. 9, 2004)  Articles 49, 54 of its <i>Enforcement Decree</i> (Presidential Decree No. 18312, Mar. 17, 2004)
<b>Description:</b>	<u>Cross-Border Trade in Services</u>  A person who intends to provide safety check and precision safety diagnosis of facilities services shall establish a business office in Korea and register as a “specialized safety diagnosis agency” with the Minister of Construction & Transportation as stipulated in the Special Act on the Safety Control of Public Structures, its Enforcement Decree, and its Enforcement Regulation.  A person who intends to establish a “specialized institution for quality inspection” for the purpose of providing quality control testing/inspection of construction work services shall establish an office in Korea and register with the Minister of Construction and Transportation in accordance with the Construction Technology Management Act, its Enforcement Decree, and its Enforcement Regulation.  A person who intends to provide supervising services of construction works shall establish an office in Korea and register as a “specialized construction supervising firm” with the Minister of Construction and Transportation as stipulated in the Construction Technology Management Act, its Enforcement Decree, and its Enforcement Regulation.

<b>Sector:</b>	Business Services
<b>Sub-sector:</b>	Real Estate Services
<b>Industry Classification:</b>	CPC 821, 822 Real Estate Services
<b>Type of Reservation:</b>	Local Presence
<b>Source of Measure:</b>	<p>Article 4 of the <i>Real Estate Brokerage Act (Law No. 6236, Jan. 28, 2000)</i></p> <p>Articles 3, 5 of its <i>Enforcement Decree (Presidential Decree No. 18312, Mar. 17, 2004)</i></p> <p>Article 2 of its <i>Enforcement Regulation (Ordinance of the MOCT No. 338, Nov. 11, 2002)</i></p> <p>Articles 18, 19 of the <i>Public Notice of Values and Appraisal of Lands, etc. Act (Law No. 6655, Feb. 4, 2002)</i></p> <p>Articles 27, 29, 30, 31 of its <i>Enforcement Decree (Presidential Decree No. 18312, Mar. 17, 2004)</i></p> <p>Articles 11, 13, 14 of its <i>Enforcement Regulation (Ordinance of the MOCT No. 354, Apr. 1, 2003)</i></p>

**Description:**Cross-Border Trade in Services

A person who intends to provide real estate brokerage services shall hold a real estate broker license issued in Korea, shall establish a brokerage office in Korea, and shall register with the head of shi/gun/gu as stipulated by the Real Estate Brokerage Act, its Enforcement Decree, and its Enforcement Regulation.

A person who intends to provide real estate appraisal services shall hold a license issued in Korea, shall establish a real estate appraisal office, a joint real estate appraisal office, or real estate appraisal company, and shall register with (for real estate appraisal office, joint real estate appraisal office) or be approved by (for real estate appraisal company) the Minister of Construction and Transportation as stipulated by the Public Notice of Values and Appraisal of Lands, etc. Act, its Enforcement Decree, and its Enforcement Regulation.

<b>Sector:</b>	Distribution Services
<b>Sub-sector:</b>	Retailing Services
<b>Industry Classification:</b>	Part of CPC 63211 Supply and Retail Distribution of Pharmaceutical Goods to the General Public
<b>Type of Reservation:</b>	Local Presence Market Access
<b>Source of Measure:</b>	<i>Law No. 7148 Article 1, Article 35 and Article 41 of the Pharmaceutical Affairs Act, January 29, 2004</i>
<b>Description:</b>	<p><u>Cross-Border Trade in Services</u></p> <p>Only those who have a pharmacist license issued by the Minister of Health and Welfare are able to establish and operate a pharmacy in the territory of the Republic of Korea.</p> <p>In order to protect the public health, only those certified pharmacists who established and are operating (or are employed in) a pharmacy in the territory of the Republic of Korea shall be allowed to dispense and sell pharmaceutical products to the general public.</p> <p>The general public must purchase pharmaceutical products only in the established pharmacies.</p>

<b>Sector:</b>	Business Services Communications Services, Recreational, Cultural and Sporting Services
<b>Sub-sector:</b>	Other Business Services Audiovisual Services, Entertainment Services
<b>Industry Classification:</b>	CPC 88442 Printing, Publishing Services CPC 9611 Motion Pictures and Video Tape Production and Distribution Services CPC 9619 Other Entertainment Services
<b>Type of Reservation:</b>	National Treatment Market Access
<b>Source of Measure:</b>	<p><i>Law No. 6721, Articles 12, 14 of the publication and printing promotion act, Aug. 26, 2002</i>  <i>Presidential Decree No. 17921, Articles 7, 9 of its Enforcement Decree, Feb. 24, 2003</i>  <i>Ordinance of the Ministry of Culture and Tourism No. 73, Article 7 of its Enforcement Regulations, Feb. 27, 2003</i></p> <p><i>Law No. 6632, Article 6 of the Promotion of the Motion Pictures Industry Act, Jan. 26, 2002</i>  <i>Presidential Decree No. 17616, Article 4 of its Enforcement Decree, May. 27, 2002</i>  <i>Ordinance of the Ministry of Culture and Tourism No. 66, Article 5 of its Enforcement Regulations</i></p> <p><i>Law No. 7131, Article 35 of the Sound Records, Video Products, and Game Software Act, Jan. 29, 2004</i>  <i>Presidential Decree No. 17395, Article 16 of its Enforcement Decree, Oct. 20, 2001</i>  <i>Ordinance of the Ministry of Culture and Tourism No. 57, Article 8 of its Enforcement Regulations, Nov. 16, 2001</i></p> <p><i>Law No. 6632, Articles 6, 7 of the Public Performance Act, Jan. 26, 2002</i>  <i>Presidential Decree No. 17695, Articles 4, 6 of its Enforcement Decree, Jul. 30, 2002</i>  <i>Ordinance of the Ministry of Culture and Tourism No. 70, Article 4 of its Enforcement Regulations, Sep. 11, 2002</i></p>
<b>Description:</b>	<p><u>Cross-Border Trade in Services</u></p> <p>Any person who intends to import foreign publications falling under any of the following categories for the purpose of domestic distribution shall obtain a recommendation for</p>

import from the Minister of Culture and Tourism.

- (a) Publications issued by North Korea or antinational groups
- (b) Novels, comics, photo albums, pictorial series and magazines

The Minister of Culture and Tourism may not render a recommendation for import, or may order the suspension or restriction of distribution or the deletion of contents pursuant to the outcome of deliberation on the imported foreign publications by the Korea Publication Ethics Commission.

A person who desires to import foreign movies shall obtain a recommendation from the Korea Media Rating Board.

A person who desires to import sound records manufactured abroad on a commercial basis or to manufacture foreign sound records domestically shall obtain a recommendation from the Korea Media Rating Board.

A foreigner who seeks to hold or provide a public performance or a person who desires to invite a foreigner to hold a public performance in Korea shall obtain a recommendation from the Korea Media Rating Board.

The Board may not make a recommendation if the contents of this performance or the performers fall under any of the following subparagraphs

- (a) Where they may be harmful to national interest or may offend the feelings of the people
- (b) Where they may be detrimental to public morals
- (c) Where they may cause corruption or harm to the order and practice of public performance in Korea
- (d) Where they justify a criminal act or depict a criminal tool in excessive detail
- (e) Where they use vulgar or obscene language or depict such actions

<b>Sector:</b>	Business Services
<b>Sub-sector:</b>	Job Placement Services, Labor Supply and Worker Dispatch Services
<b>Industry Classification:</b>	CPC8720 Placement and Supply Services of Personnel
<b>Type of Reservation:</b>	Local Presence
<b>Source of Measure:</b>	<p><i>Law No. 5884 The Article 19, 33 of the Employment Security Act, Feb. 8, 1999</i></p> <p><i>Ministry of Labor Decree No. 174 The Article 18, 37 of the Enforcement Decree of the Act, August 21, 1999</i></p> <p><i>Law No. 5512 The Article 7 of the Act Relating to Protection for Dispatched Worker, July 1, 1998</i></p> <p><i>Presidential Decree No. 15828 The Article 3 of the Enforcement Decree of the Act, July 1, 1998</i></p>
<b>Description:</b>	<p><u>Cross-Border Trade in Services</u></p> <p>Fee-charging job placement services, labor supply businesses, and worker dispatch services shall establish an office that is not smaller than the following standards in size:</p> <ul style="list-style-type: none"> <li>- Fee-charging job placement services : 20 m<sup>2</sup> (In case of a legal entity: 33 m<sup>2</sup>)</li> <li>- Worker Dispatch services : 66 m<sup>2</sup></li> <li>- Labor Supply businesses : 33 m<sup>2</sup></li> </ul> <p>In addition, fee-charging job placement services shall be registered with the head of local city, county, district offices; and labor supply businesses and worker dispatch services are required to obtain authorization from the Minister of Labor.</p>

<b>Sector:</b>	Business Services
<b>Sub-sector:</b>	Investigation and Security Services
<b>Industry Classification:</b>	
<b>Type of Reservation:</b>	Local Presence, Market Access
<b>Source of Measure:</b>	<p><i>Law No. 6787, Article 3 and 4 of the Certified Private Security Act, Dec 18, 2002</i></p> <p><i>Presidential Decree No. 18124, Articles 3,4 of its Enforcement Decree, Nov 11, 2003</i></p> <p><i>Ordinance of the Ministry of Government Administration and Home Affairs, No.209, Article 3 of its Enforcement Regulations, Nov 17, 2003</i></p>
<b>Description:</b>	<p><u>Cross-Border Trade in Services</u></p> <p>Legal entity that wants to get a license to pursue Guard and Other Protective Services or Private Security Services in Korea should be equipped with security personnel, capital and necessary facilities.</p> <p>When a legal entity wants to carry out private security business on a contract basis, it should get permission from the chief of the local police office that has jurisdiction over its main office.</p>

<b>Sector:</b>	Business Services
<b>Sub-sector:</b>	Research Services
<b>Industry Classification:</b>	CPC 8510    Research and Experimental Development Services on Natural Science and Engineering
<b>Type of Reservation:</b>	National Treatment
<b>Source of Measure:</b>	<i>Law No. 5809, Article 6, 7, 8 of the Marine Scientific Research Act, Feb. 5, 1999</i> <i>Law No. 4986, Article 5 of the Territorial Sea and Contiguous Zone Act, Dec. 6, 1995</i>
<b>Description:</b>	<u>Cross-Border Trade in Services and Investment</u>  Any foreign national or juridical personal intending to conduct research in a juridical water of the Republic of Korea shall be required to submit such a request, six months in advance, to the Minister of Maritime Affairs and Fisheries via the Minister of Foreign Affairs and Trade.  For activities in territorial waters, authorization of the Minister of Maritime Affairs and Fisheries is required, and for activities in Exclusive Economic Zone, consent by such Minister is required.



<b>Sector:</b>	Business Services
<b>Sub-Sector:</b>	Services relating to Agriculture and Livestock
<b>Industry Classification:</b>	CPC 0113 Rice, Not Husked CPC 0115 Barley KSIC 01212 Farming of Beef Cattle KSIC 51312 Wholesale of Meat
<b>Type of Reservation:</b>	National Treatment
<b>Source of Measure:</b>	<i>Law No. 7039 Article 4 of the Foreign Investment Promotion Act, Dec. 31, 2003</i> <i>Presidential Decree No. 18222 Article 5 of its Enforcement Decree, Dec. 31, 2003</i>
<b>Description:</b>	<p><u>Investment</u></p> <p>Only Korean citizens may invest in the rice or barley industry in the Republic of Korea</p> <p>Foreign nationals or foreign legal entities are permitted to hold less than 50 per cent of the shares or stocks of legal entities engaged in farming beef cattle.</p> <p>Foreign nationals or foreign legal entities are permitted to hold less than 50 per cent of the shares or stocks of legal entities engaged in the wholesale of meat</p>

<b>Sector:</b>	Business Services
<b>Sub-sector:</b>	Vocational Competency Development Training Services
<b>Industry Classification:</b>	CPC 92900 Other Education and Training Services
<b>Type of Reservation:</b>	Local Presence
<b>Source of Measure:</b>	<i>Law No. 6455, Articles 2, 11, 16, 16-2, 17, 22, 28,29, 31 of the Vocational Training Promotion Act, Mar 28, 2001</i>

**Description:** Cross-Border Trade in Services

If a training institution which conducts vocational competency development training wants to receive financial supports for training costs and loans for training from the employment insurance fund, it shall obtain approval for training course from the Minister of Labor after being qualified as a legitimate training institution and having training facilities, equipment, etc. Determined by the Minister of Labor pursuant to the Vocational Training Promotion Act and its subordinate rules and regulations.

<b>Sector:</b>	Communication Services
<b>Sub-Sector :</b>	Courier Services
<b>Industry Classification:</b>	CPC 7512
<b>Type of Reservation:</b>	Local Presence
<b>Source of Measure:</b>	Article 139 of the <i>Aviation Act (Law No. 7024, Dec. 30, 2003)</i>  Article 3 of the <i>Trucking Transport Business Act (Law No. 7100, Jan. 20, 2004)</i>
<b>Description:</b>	<u>Cross-border Trade in Services</u>  A person who intends to operate commercial documents delivery business shall file a report of its intent to the Minister of Construction and Transportation in accordance with the related laws. In case of juridical persons, an office must first be established and operation of business reported.

<b>Sector:</b>	Communications Services
<b>Sub-Sector:</b>	Audiovisual Services
<b>Industry Classification:</b>	CPC 9612 Motion Picture Projection Service
<b>Type of Reservation:</b>	National Treatment Performance Requirements
<b>Source of Measure:</b>	<i>Law No. 6632, Article 28 of the Promotion of the Motion Picture Industries Act, Jan. 26, 2002</i> <i>Presidential Decree No. 17616, Article 13 of its Enforcement Decree, May. 27, 2002</i>
<b>Description:</b>	<u>Investment</u>  Operators of Movie theaters shall screen Korean movies for not less than 146 days a year in all.

<b>Sector:</b>	Telecommunications
<b>Sub-sector:</b>	Basic Telecommunications Services
<b>Industry Classification:</b>	
<b>Type of Reservation:</b>	National Treatment, Local Presence, Market Access
<b>Source of Measure:</b>	<i>Telecommunications Business Act</i> Article 5.2,6, 59.2, Appendix Article 4 <i>Radio Waves Act</i> Article 20
<b>Description:</b>	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>A person falling under any of the following subparagraphs shall not obtain a license for facilities-based telecommunications services;</p> <ul style="list-style-type: none"> <li>(a) The State or a local government</li> <li>(b) A foreign government or a foreign legal entity</li> <li>(c) A legal entity in which a foreign government or a foreigner holds combined stocks in excess of 49% of the total issued stocks</li> </ul> <p>Limitation on stocks held by foreign government or foreigner</p> <ul style="list-style-type: none"> <li>(a) A foreign government or a foreigner shall not hold combined stocks of a facilities-based telecom carrier in excess of 49% of the total issued stocks.</li> <li>(b) A legal entity in which a foreign government or a foreigner(including a specially related person under Article 36.3 of the Securities Exchange Act) is the largest shareholder and holds over 15% of its total issued stocks shall be regarded as a foreigners.</li> <li>(c) Notwithstanding the preceding paragraph, a legal entity that holds less than 1% of the total issued stocks of a facilities-based telecom carrier shall not be regarded as a foreigner.</li> <li>(d) A foreign government or a foreigner shall not become the largest shareholder of Korea Telecom, However, this provision shall not apply to the case a foreign government or a foreigner holds less than 5% of the total issued stocks of Korea Telecom.</li> </ul> <p>Under the Radio Waves Act, a person who does not hold the nationality of the Republic of Korea, a foreign government or its representative, and a foreign legal entity or a foreign organization shall not be permitted to establish a radio station.</p>

Any person who intends to provide facilities-based telecom services from abroad without a local presence in Korea shall sign a commercial arrangement on cross-border supply of facilities-based telecom services with facilities-based telecom carrier or reseller in Korea that provides the same services.

<b>Sector:</b>	Construction Services
<b>Sub-Sector:</b>	Construction Services
<b>Industry Classification:</b>	CPC 511~518 Construction Services
<b>Type of Reservation:</b>	Local Presence, Performance Requirements
<b>Source of Measure:</b>	<p>Articles 9, 10, 30 of the <i>Framework Act on the Construction Industry</i> (Law No. 6938, Jul. 25, 2003)</p> <p>Articles 7, 8, 13, 33 of its <i>Enforcement Decree</i> (Presidential Decree No. 18312, Mar. 17, 2004)</p> <p>Articles 2, 3, 27 of its <i>Enforcement Regulation</i> (Ordinance of the MOCT No. 371, Aug. 26, 2003)</p>
<b>Description:</b>	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>A person that intends to operate a construction business in Korea shall establish an office in Korea (identifying its representative) and register with the Minister of Construction &amp; Transportation for general construction business and with the mayor of “shi” or governor of “do” for specialized construction business in accordance with the requirements stipulated in the Presidential Decree. Foreign nationals or foreign juridical entities that intend to operate a construction business in Korea must ensure that its office in Korea is established, at the latest, prior to the signing of the first contract for its construction work.</p> <p>When a general contractor receives an order of construction work exceeding two(2) billion KRW, it shall subcontract a portion of its work to specialized contractors according to the following guideline :</p> <ul style="list-style-type: none"> <li>- Contract between 2 billion ~ 3 billion KRW : at least 20% of the value of the contract</li> <li>- Contract over 3 billion KRW : at least 30% of the value of the contract</li> </ul>

<b>Sector:</b>	Construction Services
<b>Sub-Sector:</b>	Renting, Maintenance & Repair, Sales and Disassembly of Construction Equipment
<b>Industry Classification:</b>	CPC 518 Renting Services of Construction Equipment CPC 8862 Maintenance & Repair CPC 83107 Leasing or rental services concerning construction machinery and equipment without operator
<b>Type of Reservation:</b>	Local Presence
<b>Source of Measure:</b>	Article 21 of the <i>Construction Machinery Management Act</i> ( <i>Law No. 6363</i> , Jan. 16, 2001)  Articles 13, 14, 15, 15-2 of its <i>Enforcement Decree</i> ( <i>Presidential Decree No. 18312</i> , Mar. 17, 2004)  Articles 57, 58, 59, 60, 61, 62, 63, 65-2, 65-3 of its <i>Enforcement Regulation</i> ( <i>Ordinance of the MOCT No. 373</i> , Sep. 26, 2003)
<b>Description:</b>	<u>Cross-Border Trade in Services</u>  A person who intends to operate a construction machinery business (rental, maintenance & repair, sales, disassembly businesses) shall file a report to the mayor of shi or governor of do.  Categories of businesses to be reported shall be determined by the Presidential Decree and the person filing a report of a business shall establish an office in accordance with the requirements set in the Ordinance of the Ministry of Construction and Transportation.  A person who has reported a business pursuant to the regulations but fails to meet necessary requirements shall be forced to close the business if all requirements are not satisfactorily met within a month.  Matters pertaining to reporting procedures, issuance of report certificates, etc. are determined by the Ordinance of the Ministry of Construction and Transportation.



<b>Sector:</b>	Business Services
<b>Sub-sector:</b>	Consulting Services(Industrial Safety and Health Consulting)
<b>Industry Classification:</b>	CPC 867 Architectural, Engineering and Other Technical Services
<b>Type of Reservation:</b>	Local Presence
<b>Source of Measure:</b>	<i>Law No. 6847 The Article 52-4 of the Industrial Safety &amp; Health Act, Dec, 30, 2002</i>
<b>Description:</b>	<u>Cross-Border Trade in Services</u>

Anyone, who wishes to provide consulting services in the area of industrial safety or hygiene under the Industrial Safety and Health Act such as evaluation/safety consultation in the work process and evaluation/improvement consultation for the working environment, must have an office(or local address) in the territory of Republic of Korea and a qualification prescribed by the law and should register with the Director of Regional Labor Office in charge of the area that the Office is located

<b>Sector:</b>	(i) Consulting Services
<b>Sub-Sector:</b>	Planning and Forecasting in Energy Consumption
<b>Industry Classification:</b>	(ii) CPC 87909 Other Business Services CPC 88700 Services Incidental to Energy Distribution CPC 91132 Administrative Fuel and Energy Related Services
<b>Type of Reservation:</b>	Local Presence Market Access
<b>Source of Measure:</b>	The Article 8, 9, 10, 22 of the <i>Energy Conservation Act</i> , Dec 28, 1979
<b>Description:</b>	<p><u>Cross-Border Trade in Services</u></p> <p>Prior to the establishment of energy-using company or facility, the representative of the company (or facility) is required to submit <i>the Energy Consumption Plan</i> to the Minister for MOCIE. And <i>The Energy Consumption Plan</i> may be drawn up by an agency. The Agency should register with MOCIE, under certain conditions.</p> <p><i>The Energy Saving Company</i> should register with MOCIE, under certain conditions.</p>
<b>Phase out</b>	

<b>Sector:</b>	Distribution Services
<b>Sub-sector:</b>	
<b>Industry Classification:</b>	CPC 62111 Sales of Agricultural Raw Materials and Live Animals On a Fee or Contract Basis CPC 6221 Wholesale Trade Services of Agricultural Raw Materials and Live Animals
<b>Type of Reservation:</b>	National Treatment, Market Access, Local Presence
<b>Source of Measure:</b>	<i>Law No. 6821 Article 27 of the Livestock Industry Act, Dec. 26, 2002</i> <i>Law No. 6699 Article 17, 43 and 47 of the Act on Distribution and Price Stabilization of Agricultural and Fishery Products, May 13, 2002</i>
<b>Description:</b>	<p><u>Cross-border Trade in Services and Investment</u></p> <p>The Livestock Cooperative is entitled to open and manage animal markets according to Agricultural Cooperative Law. Central wholesale markets shall be opened by specific cities or metropolises, and local wholesale markets shall be opened by special cities, metropolises and cities.</p> <p>Joint markets shall be opened by the producers' organizations and public corporations such as cooperatives of agriculture, forestry and fishery designated by the Presidential Decree.</p> <p>When a private person intends to open a private wholesale market in a specific city, metropolises or city, he/she should get permission from a mayor or governor concerned</p>

<b>Sector:</b>	Educational Services
<b>Sub-sector:</b>	
<b>Industry Classification:</b>	CPC 923 Higher Education Services
<b>Type of Reservation:</b>	National Treatment, Market Access, Local Presence Senior Management and Boards of Directors
<b>Source of Measure:</b>	Article 23, 32 of <i>Higher Education Act</i> , Article 15, 28 of <i>Higher Education Enforcement Decree</i> Article 3, 21 of <i>Private School Act</i> Article 7, 18 of <i>Seoul Metropolitan Area Readjustment Planning Act</i> Article 3, 4 of <i>Regulation on joint-operation of educational programs between local and foreign universities</i>
<b>Description:</b>	<p><u>Cross Border Trade in Services and Investment</u></p> <p>50 Percent or more of the members of the board of directors of private schools must be composed of Korean citizens. Provided that foreign national or foreign legal entities contributed to one half or more of the basic property of a university, the board may be composed of foreign nationals less than two-thirds of the total members.</p> <p>Credits taken at other higher education institutions are not recognized for more than half of the total credits required for graduation from the institution where a person gets education.</p> <p>Only those non-profit school juridical persons approved by Minister of Education and HRD may establish higher education institutions (4-year Universities and 2-3 year junior colleges excluding types listed on Annex 9B) under the Minister's authorisation.</p> <p>Establishment of higher education institutions other than Technology Universities and Intra-company Universities is not allowed in the Seoul Metropolitan Area.</p> <p>Also, Minister of Education and HRD may restrict the total number of students for each higher education institution.</p> <p>Junior Colleges, Universities and Industrial Universities may operate joint educational programs with foreign universities which obtained accreditation by foreign public accreditation bodies or which acquired recognition or recommendation by their governments, in the field of state-</p>

of-the-art technologies, basic sciences, international studies and specialization of the respective Korean universities.

<b>Sector:</b>	Educational Services
<b>Sub-sector:</b>	
<b>Industry Classification:</b>	Adult Education Services (CPC 924)
<b>Type of Reservation:</b>	National Treatment, Market Access
<b>Source of Measure:</b>	Article 12, 15 of <i>the Establishment and Operation of Private Educational Institutions and Extracurricular Lessons Act</i> , Article 7-2 of the <i>Establishment and Operation of Private Educational Institutions and Extracurricular Lessons Enforcement Decree</i> Article 7, 18 of <i>Seoul Metropolitan Area Readjustment Planning Act</i>
<b>Description:</b>	<p><u>Cross Border Trade in Services and Investment</u></p> <p>Types of adult education institutions foreigners can establish in Korea, are limited to private education institutions called "Hagwon for adults" defined in the 'Establishment and Operation of Private education Institutions and Extracurricular Lessons Act', Life-long education facilities annexed to work places, NGOs, schools, mass-media, and those related to the development of knowledge and human resources based on the 'Life-long Education Act'.</p> <p>Superintendent of provincial education offices may regulate tuition rates for "Hag-won" on a non-discriminatory basis.</p> <p>If adult education institutions are registered as training facilities, the establishment and/or enlargement of them may be restricted in Seoul Metropolitan Area pursuant to Seoul Metropolitan Area Readjustment Planning Act.</p>

<b>Sector:</b>	Environmental Services
<b>Sub-sector:</b>	Air Quality Monitoring/Control Water Quality Monitoring Waste Water (Sewage) Treatment Waste Collection/Disposal Services Noise Vibration Monitoring and Abatement Environmental Impact Assessment Toxic Chemical Dealing Services
<b>Industry Classification:</b>	CPC 86761 Composition and Purity Testing and Analysis Services CPC 94010~94060 & 94090 (Sewage and Refuse Disposal, Sanitation and Other Environmental Protection Services)
<b>Type of Reservation:</b>	Local Presence
<b>Source of Measure:</b>	<i>Law No. 7168, Article 43 of the Water Quality Conservation Act, Feb. 9, 2004</i> <i>Law No. 6913, Article 15, 17, 18 of the Development of and Support for environmental Technology Act, May 29, 2003</i> <i>Law No. 6913, Article 37, 40 of the Clean Air Conservation Act, May 29, 2003</i> <i>Law No. 7020, Article 8 of the Act on Assessment of Impacts of Works on Environment, Traffic, Disasters, etc., Dec. 30, 2003</i> <i>Law No. 7129, Article 35, 38, 39 of the Act on the Disposal of Sewage, Excreta and Livestock Wastewater, Jan. 29, 2004</i> <i>Law No. 6153, Article 15, 20, 26 of the Toxic Chemicals Control Act, Jan. 12, 2000</i> <i>Law No. 7022, Article 26 of the Wastes Control Act, Dec. 30, 2003</i> <i>Law No. 6515, Article 37 of the Prevention of Marine Pollution Act, Sept. 12, 2001</i> <i>Law No. 6909, Article 40 of the Act on Special Measures for the Deregulation of Corporative Activities, May 29, 2003</i>
<b>Description:</b>	<u>Cross-Border Trade in Services</u> A person that intends to provide environmental services, set out in this sub-sector and industry classification, in the Republic of Korea, is required to obtain a certificate of qualification, establish an office, and register with the Minister of Environment or the head of the metropolitan city or province pursuant to relevant Korean laws.

<b>Sector:</b>	Environmental Services
<b>Sub-sector:</b>	Air Quality Control Waste Water (Sewage) Treatment Waste Collection/Disposal Services Toxic Chemical Dealing Services
<b>Industry Classification:</b>	CPC 86761* Composition and Purity Testing and Analysis Services CPC 92900 Other Education Services CPC 94010* Sewage services CPC 94020* Refuse disposal services CPC 94030 Sanitation and similar services CPC 94060* Nature and landscape protection services CPC 94090* Other environmental protection services n.e.c.
<b>Type of Reservation:</b>	Market Access
<b>Source of Measure:</b>	<i>Law No. 6913, Article 37 of the Clean Air Conservation Act, May 29, 2003</i> <i>Law No. 7022, Article 26 of the Waste Control Act, Dec. 30, 2003</i> <i>Presidential Decree No. 18471, Article 6, 25, 28 of the Enforcement Decree of the Waste Control Act, Jun. 30, 2003</i> <i>Presidential Decree No. 18464, Article 13 of the Enforcement Decree of the Sewerage Act, Jun. 29, 2004</i> <i>Law No. 6153, Article 36 of the Toxic Chemicals Control Act, Jan. 12, 2000</i> <i>Ordinance of the Ministry of Environment No. 132, Article 46 of the Enforcement Regulations of the Toxic Chemicals Control Act, Oct. 1, 2002</i> <i>Presidential Decree No. 17433, Article 4 of the Enforcement Decree of the Groundwater Act, Dec. 19, 2001</i> <i>Law No. 7168, Article 48 of the Water Quality Conservation Act, Feb. 9, 2004</i>
<b>Description:</b>	<u>Cross-Border Trade in Services</u> In the Republic of Korea, the qualification for an agency of the services, set out in this sub-sector and industry classification, may be limited pursuant to relevant Korean laws.  Refuse collection and transport services may be limited with their service areas pursuant to relevant Korean laws.

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CPC 86761\* excludes inspection, testing and analysis services of air, water, noise level and vibration level  
CPC 94010\* excludes collection and treatment services of industrial waste water  
CPC 94020\* excludes collection, transport and disposal services of industrial refuse  
CPC 94060\* & 94090\* exclude environmental impact assessment services



<b>Sector:</b>	Manufacture of Chemical Products
<b>Sub-Sector:</b>	Manufacture of Biological Products
<b>Industry Classification:</b>	KSIC 24212 Manufacture of Biological Products
<b>Type of Reservation:</b>	Performance Requirements
<b>Source of Measure:</b>	<i>Law No. 7148, Article 34 of the Pharmaceutical Affairs Act, Jan. 29, 2004</i> <i>Ministry of Health and Welfare Decree No. 227, Article 21 of the Enforcement Decree of the Act, Nov. 5, 2002</i>
<b>Description:</b>	<u>Investment</u>  Manufactures of blood products must receive supplies of raw blood materials through a contract with the Korean National Red Cross.

<b>Sector:</b>	Business Services
<b>Sub-sector:</b>	Professional Services(Taxation Services)
<b>Industry Classification:</b>	CPC 863 Taxation Services
<b>Type of Reservation:</b>	Market Access, Local presence
<b>Source of Measure:</b>	Articles 6, 7, 8, 12-5, 20 <i>the Certified Tax Attorney Law</i>
<b>Description:</b>	<p><u>Cross-Border Trade in Services</u></p> <p>To perform tax accounting services in Korea, a candidate must obtain a CTA license and is required to register with relevant authorities.</p> <p>Only sole proprietorship, tax reconciliation task force and tax agency corporation (limited liability company) by CTAs licensed under the Certified Tax Attorney Law are permitted.</p> <p>Only those CTAs in tax reconciliation task force and tax agency corporation (limited liability company) are allowed to supply tax reconciliation services.</p> <p>Only those people who obtained CTA licenses and are registered with relevant authorities are allowed to use the title "certified tax accountant."</p> <p>In order to practice as a CTA in Korea, a candidate must undergo appropriate training for a certain period, as set out in the Presidential Decree.</p> <p>Every CTA shall open an office to render his taxation service, as set out in the Certified Tax Attorney Law.</p> <p>The Republic of Korea reserves the right to adopt or maintain any measure related to not only the provision of a service from the territory of a Party into the territory of the other Party but also the provision of a service in the territory of a Party to a person of the other Party for tax reconciliation services and tax representative services.</p>

<b>Sector:</b>	Business Services
<b>Sub-sector:</b>	Professional Services(Other Taxation(Customs) Services)
<b>Industry Classification:</b>	CPC 86309 other tax related services
<b>Type of Reservation:</b>	Market Access, Local Presence
<b>Source of Measure:</b>	<i>Law NO. 6778, Articles 3,7,9 of the Customs Broker Act, Dec.18,2002</i>
<b>Description:</b>	<p><u>Cross-Border Trade in Services</u></p> <p>Any person except any customs broker who has passed the examination under the Customs Broker Act, any corporation incorporated by customs brokers or any corporation licensed to do the customs-clearance brokerage under Customs Broker Act shall be prohibited from providing the customs-clearance services.</p> <p>Customs Broker must undergo appropriate training for a certain period, as set out in the Presidential Decree to conduct business in Korea.</p> <p>Customs Brokers are required to register with the Commissioner of Korea Customs Service.</p> <p>Every Customs Brokers shall be permitted to open an office to render his customs-clearance services, as set out in the Customs Broker Act .</p>

<b>Sector:</b>	Business Services
<b>Sub-sector:</b>	Professional Services(Accounting)
<b>Industry Classification:</b>	CPC 862      Accounting, Auditing and Book-keeping Services
<b>Type of Reservation:</b>	Local Presence, Market Access
<b>Source of Measure:</b>	<i>Law No. 6994, Article 7, 12, 23, 26 of the Certified Public Accountant Act, Dec, 11, 2003</i> <i>Law No. 6991, Article 3 of Act on External Audit of Stock Companies, Dec, 11, 2003</i>
<b>Description:</b>	<p><u>Cross-Border Trade in Services</u></p> <p>A person who has passed the examination under the Certified Public Accountant Act can provide auditing services after one year of field experience in Korea. To be a statutory auditor for the external audit services required by Act on External Audit of Stock Companies, a CPA must have field experience of two years in Korea.</p> <p>In order to supply auditing services required by Act on External Audit of Stock Companies, a qualified CPA must establish an auditing task force or accounting corporation(a limited liability corporation) in Korea</p>

<b>Sector:</b>	Business Services
<b>Sub-sector:</b>	Professional Services(Labor Affairs Consulting Services)
<b>Industry Classification:</b>	Certified labor affairs consultant
<b>Type of Reservation:</b>	Local Presence
<b>Source of Measure:</b>	<i>Law No. 7046 Article 5 of the Certified Labor Affairs Consultant Act, Dec. 31, 2003</i>
<b>Description:</b>	<u>Cross-Border Trade in Services</u>

Any person who holds a certified labor affairs consultant license and intends to work in the Republic of Korea shall undertake appropriate training for such a period of time as set out in the Presidential Decree. In addition, they are required to register with the Minister of Labor.

<b>Sector:</b>	Business Services
<b>Sub-Sector:</b>	Professional Services(Patent Attorney)
<b>Industry Classification:</b>	CPC 82130 Legal Documentation and Certification Services
<b>Type of Reservation:</b>	Local Presence, Market Access
<b>Source of Measure:</b>	<i>Law No. 6753, Articles 5,6 of the Patent Attorney Act, Dec. 5, 2002</i> <i>Article 12 of its Enforcement Decree (Presidential Decree No. 18387, May. 10, 2004)</i>
<b>Description:</b>	<u>Cross-Border Trade in Services &amp; investment</u>  To conduct business in Korea, a patent attorney must undergo appropriate training for a certain period as set out in the Presidential Decree, register with the Commissioner of the Korean Intellectual Property Office, and establish an office in Korea.

<b>Sector:</b>	Business Services
<b>Sub-sector:</b>	Professional Services(Proprietor of Engineering Activities )
<b>Industry Classification:</b>	CPC 8672 Engineering Services CPC 8673 Integrated Engineering Services CPC 8674 Urban Planning and Landscape Architectural Services CPC 8675 Engineering Related Scientific and Technical Consulting Services
<b>Type of Reservation:</b>	Local Presence
<b>Source of Measure:</b>	<i>Law No. 6535, Article 4 of the Engineering Technology Promotion Act, Dec. 19, 2001</i> <i>Law No. 6567, Article 6 of the Professional Engineers Act, Dec. 31, 2001</i> <i>Presidential Decree No. 17771, Article 6, 6-2 of its Enforcement Decree, Nov. 6, 2002</i> <i>Ordinance of the Ministry of Science and Technology No. 41, Article 2 of its Enforcement Regulation Nov. 9, 2002</i>
<b>Description:</b>	<u>Cross-Border Trade in Services</u> <p>A person that holds a professional engineering license issued in Korea and intends to work in the field of engineering in Korea is required to establish an office in the territory of Korea and register with the Minister of Science and Technology.</p>

<b>Sector:</b>	Recreational, Cultural and Sporting Services
<b>Sub-Sector:</b>	News Agency Services
<b>Industry Classification:</b>	CPC 962 News Agency Services
<b>Type of Reservation:</b>	National Treatment Market Access Performance Requirements Senior Management and Boards of Directors
<b>Source of Measure:</b>	<i>Law No. 6905, Articles 2, 7, 9, 16, 28 of the News Agency Promotion Act, May. 29, 2003</i> <i>Presidential Decree No. 18153, Article 4 of its Enforcement Decree, Dec. 3, 2003</i> <i>Law No. 6905, Article 20 of the Radio Wave Act, May. 29, 2003</i>
<b>Description:</b>	<p><u>Cross-Border services and Investment</u></p> <p>Filing a report with the Minister of Culture and Tourism is required when a news agency is financed, in any part, by foreign funds.</p> <p>Submitting a document proving the fact of filing with the Minister of Commerce, Industry and Energy is required when a news agency's property is financed by a foreigner, a foreign entity or a foreign organization</p> <p>Any natural or juridical person who falls under either of the following subparagraphs shall not engage in the news agency business or be employed as a news agency editor:</p> <ul style="list-style-type: none"> <li>a. a person who is not of Korean nationality</li> <li>b. a person who has no domicile in the Republic of Korea</li> </ul> <p>A foreign government, a foreign juristic person, a foreign organization, or a legal entity or a legal organization whose representative is a person who falls under either of the subparagraphs (a) or (b) above shall not engage in the news agency business.</p> <p>Any foreigner, foreign juridical entity or foreign organization whose ratio of stocks or shares is in excess of the 25 percent shall not engage in the news agency business.</p> <p>Any person who intends to establish a branch or district office of a foreign news agency in Korea, shall obtain permission from the Minister of Culture and Tourism.</p> <p>Any person who falls under either of the following</p>



subparagraphs shall not serve on the board of Yonhap News or the News Agency Promotion Committee:

- a. a person who is not of Korean nationality
- b. a person who has no domicile in the Republic of Korea

A foreign news agency shall supply news communications through a contract with a domestic agency.

Any natural or juridical person or entity that falls under any of the following subparagraphs shall not establish a wireless station

- (a) a person who is not of Korean nationality
- (b) a foreign government or its representative
- (c) a foreign legal entity or foreign legal organization

<b>Sector:</b>	Business Services
<b>Sub-Sector:</b>	Technical testing and analysis services
<b>Industry Classification:</b>	<p>CPC 86761 Composition and Purity Testing and Analysis Services other than Air, Water, Noise Level and Vibration Level</p> <p>CPC 86762 Testing and Analysis Services of Physical Properties</p> <p>CPC 86763 Testing and Analysis Services of Integrated Mechanical and Electrical Systems</p> <p>CPC 86769 Other Technical Testing and Analysis Services</p>
<b>Type of Reservation:</b>	<p>Local Presence</p> <p>Market Access</p>
<b>Source of Measure:</b>	<p><i>Law No. 6019, Safety Act on Electrical Products, Sep. 7, 1999</i></p> <p><i>Law No. 6315, Safety Act on Industrial Products, Dec. 29, 2000</i></p> <p><i>Law No. 6676, the High Pressure Gas Safety Control Law, March 25, 2002</i></p>
<b>Description:</b>	<p><u>Cross Border Trade in Services and investment</u></p> <p>The corporations and related services for technical testing and analysis services are qualified by the government so that the safety and health of public should be guaranteed.</p>

<b>Sector:</b>	Manufacturing and Distribution Services
<b>Sub-Sector:</b>	
<b>Industry Classification:</b>	
<b>Type of Reservation:</b>	Local Presence, Performance Requirements, Market Access
<b>Source of Measure:</b>	<p><i>Law No. 7067, Articles 13,14,15,16,17 of the Tobacco Business Act, Jan. 20, 2004</i></p> <p><i>Presidential Decree No. 18445, Article 5 of its Enforcement Decree, Jun. 29, 2004</i></p> <p><i>Ordinance of the Ministry of Finance and Economy No. 385, Articles 5,6,7,8,9,11 of its Enforcement Regulations, Jun. 29, 2004</i></p> <p><i>Article 4, 5, 9, 45, 56 of its Presidential Decree</i></p> <p><i>Notice of national tax service 2003-17, 26</i></p> <p><i>Law No. 7031, Article 6, 8, 9, 10, 40, 43 of the Liquors Act, Dec. 31, 2003</i></p> <p><i>Presidential Decree No. 18178, Article 4, 5, 9, 45, 56 of its Presidential Decree, Dec. 30, 2004</i></p> <p><i>Notice of national tax service 2003-17, 26</i></p>
<b>Description:</b>	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>&lt; tobacco &gt;</p> <p>A person who intends to work as an tobacco wholesaler must establish an office in the territory of Korea and register with a mayor or the magistrate of a county or the headman of a ward as set out in the Presidential Decree and the Ordinance of the Ministry of Finance and Economy of the Tobacco Business Act</p> <p>A person who intends to work as an tobacco retailer must establish an office in the territory of Korea and get a license from a mayor or the magistrate of a county or the headman of a ward as set out in the Ordinance of the Ministry of Finance and Economy of the Tobacco Business Act.</p> <p>A person who intends to work as an foreign tobacco importer must establish an office in the territory of Korea and register with a mayor or provincial governor as set out in the Presidential Decree and the Ordinance of the Ministry of Finance and Economy of the Tobacco Business Act</p> <p>&lt; liquors &gt;</p>

Any person who intends to manufacture a liquor shall be required to establish an office and shall get a license from the head of district tax office.

In order to balance supply and demand of grains and to manage quality of liquors, the types and amount of raw materials for liquors may be designated.

Any person who intends to work as a wholesaler of liquors shall be required to establish an office and get a license from the head of district tax office.

The number of wholesalers of liquor within shi or gun is determined by national tax service commissioner considering population and the number of liquor stores.

Sales of liquors on-line is prohibited except for on-line sale of traditional liquors by those manufacturers.

<b>Sector:</b>	Transport Service
<b>Sub-Sector:</b>	Air Transport Services
<b>Industry Classification:</b>	CPC 731, 732 Air Transport Services
	Includes glider towing, parachute jumping, aerial construction, heli-logging, aerial sightseeing, etc.
	CPC 734 Rental Services of aircraft with operator
<b>Type of Reservation:</b>	National Treatment, Senior Management and Board of Directors
<b>Source of Measure:</b>	Articles 3, 6, 112, 113, 114, 132 of the <i>Aviation Act (Law No. 7024, Dec. 30, 2003)</i>  Articles 278, 278-2, 298, and 299 of its <i>Enforcement Regulation (Ordinance of the MOCT No. 403, Jul.3, 2004)</i>
<b>Description:</b>	<p><u>Investment</u></p> <p>Any person who falls under the categories stipulated in subparagraphs of Article 6 of the Aviation Act (and listed below) may not provide domestic services, nor international services (scheduled/non-scheduled).</p> <ol style="list-style-type: none"> <li>1. A person who is not a citizen of the Republic of Korea;</li> <li>2. A foreign government or foreign public organization;</li> <li>3. A foreign corporation or organization;</li> <li>4. A corporation in which any of those referred to in subparagraph 1 through 3 above either owns 50% or more of the stocks or shares, or yields de-facto control; and</li> <li>5. A corporation whose representative is a foreigner, or half or more of whose officers (executives) are foreigners.</li> </ol> <p>In addition, persons who own an aircraft or is authorized to operate a chartered aircraft must register the aircraft with the Minister of Construction and Transportation. Registration of aircraft is not permitted to persons falling under 1 through 5 above.</p>

<b>Sector:</b>	Transport Service
<b>Sub-Sector:</b>	Air Transport Service
<b>Industry Classification:</b>	<p>Aircraft Use Business CPC 734* Rental Services of aircraft with operator</p> <p>* Includes aerial fire-fighting, forestry fire management, aerial advertising, flight training, aerial map production, aerial investigation, aerial spraying, aerial photographing and other aerial agricultural activities, aerial inspections and observations, etc.</p>
<b>Type of Reservation:</b>	<p>National Treatment Senior Management and Board of Directors</p>
<b>Source of Measure:</b>	<p>Articles 3, 6, 134 of <i>the Aviation Act (Law No. 7024, Dec. 30, 2003)</i></p> <p>Articles 298, 299-2 of its <i>Enforcement Regulation (Ordinance of the MOCT No. 403, Jul. 3, 2004)</i></p>
<b>Description:</b>	<p><u>Investment</u></p> <p>A person who intends to operate an aircraft-use business (businesses that use aircraft at other's request to conduct businesses other than transport of passengers or cargo for fee) must register the self-owned or chartered aircraft with the Minister of Construction and Transportation. In this case, registration of aircraft is not permitted to persons falling under any one of the following categories.</p> <ol style="list-style-type: none"> <li>1. A person who is not a citizen of the Republic of Korea;</li> <li>2. A foreign government or foreign public organization;</li> <li>3. A foreign corporation or organization;</li> <li>4. A corporation in which any of those referred to in subparagraph 1 through 3 above either owns 50% or more of the stocks or shares, or yields de-facto control; and</li> <li>5. A corporation whose representative is a foreigner, or half or more of whose officers are foreigners.</li> </ol>

<b>Sector:</b>	Transport Services
<b>Sub-Sector:</b>	Road Transport Services
<b>Industry Classification:</b>	CPC 83101 Leasing or rental services concerning private cars without operators CPC 83105* Leasing or rental services concerning other land transport equipment without operators
<b>Type of Reservation:</b>	Local Presence
<b>Source of Measure:</b>	Articles 29, 30 <i>of the Passenger Transport Service Act (Law No. 6942, Jul. 25, 2003)</i>  <i>Articles 52, 53 of its Enforcement Regulation (Ordinance of the MOCT No. 394, Feb. 28, 2004)</i>
<b>Description:</b>	<u>Cross-Border Trade in Services</u>  A person who intends to operate a automobile rental business shall establish an office in Korea and shall register with the Minister of Construction and Transportation by submitting an application for registration including required documents as set out in the Passenger Transport Service Act and its Enforcement Regulation.

<b>Sector:</b>	Transport Services
<b>Sub-Sector:</b>	Road Transport Services (Maintenance & repair, sales and disassembly)
<b>Industry Classification:</b>	CPC 6112 + 8867/8 Maintenance and Repairs of Road Transportation Equipment CPC 6111* Sales of motor vehicles (for used cars)
<b>Type of Reservation:</b>	Local Presence, Market Access
<b>Source of Measure:</b>	Article 53 of the <i>Automobile Management Act</i> (Law No. 7100, Jan. 20, 2004)  Article 111 of its <i>Enforcement Regulation</i> (Ordinance of the MOCT No. 379, Nov. 22, 2003)
<b>Description:</b>	<u>Cross-Border Trade in services</u>

A person who intends to operate an automobile management business (automobile transaction/maintenance/disassembly) shall establish an office (place of operation) and shall register with the head of shi/gun/gu in accordance with standards and procedures set out by the municipal ordinance of the “shi” or “do” pursuant to authority delegated by the Automobile Management Act.

Heads of the shi/gun/gu may restrict registration or attach conditions in the following situations:

- when it is deemed necessary to take into consideration local conditions such as traffic and environmental pollution; or
- when it is deemed necessary for the good of the public.



<b>Sector:</b>	Transport Services
<b>Sub-Sector:</b>	Air Transport Services
<b>Industry Classification:</b>	CPC 8868* Aircraft Maintenance and Repair Services
<b>Type of Reservation:</b>	Local Presence
<b>Source of Measure:</b>	Articles 137, 138 of <i>the Aviation Act (Law No. 7024, Dec. 30, 2003)</i>  Articles 16, 304, 305 of <i>its Enforcement Regulation (Ordinance of the MOCT No. 403, Jul. 3, 2004)</i>
<b>Description:</b>	<u>Cross-Border Trade in Services</u>  A person who intends to operate an aircraft maintenance and repair service business shall, after setting up its place of business in accordance with the registration requirements, register with the Minister of Construction and Transportation as stipulated by the Enforcement Regulation of the Aviation Act. Subsequently, it must obtain certificate as a maintenance and repairs organization from the Minister of Construction and Transportation.

<b>Sector:</b>	Transport Services
<b>Sub-Sector:</b>	Road Transport Service (Scheduled inspection of automobiles)
<b>Industry Classification:</b>	
<b>Type of Reservation:</b>	Local Presence, Market Access
<b>Source of Measure:</b>	Articles 44, 45 of the <i>Automobile Management Act</i> (Law No. 7100, Jan. 20, 2004)  Articles 86, 87 of its <i>Enforcement Regulation</i> (Ordinance of the MOCT No. 379, Nov. 22, 2003)
<b>Description:</b>	<u>Cross-Border Trade in Services</u>  A person who intends to be designated as a “designated maintenance operator” for the purposes of providing scheduled inspection services of automobiles in Korea shall establish an office with a place of operation in Korea meeting the dimension requirements as stipulated in the Ordinance of the Ministry of Construction and Transportation and shall apply to the mayor of “shi” or governor of “do” for designation.

<b>Sector:</b>	Transportation Services
<b>Sub-Sector:</b>	Road Transportation Services (Automobile License Plate Issuing Agency)
<b>Industry Classification:</b>	
<b>Type of Reservation:</b>	Local Presence, Market Access
<b>Source of Measure:</b>	Article 20 of the <i>Automobile Management Act</i> (Law No. 7100, Jan. 20, 2004)  Articles 7, 8 of its <i>Enforcement Regulation</i> (Ordinance of the MOCT No. 379, Nov. 22, 2003)
<b>Description:</b>	<u>Cross-Border Trade in Services</u>  A person who wishes to be designated as a “license plate issuing agency” for the purpose of providing license plate manufacturing, delivery, and seal services in Korea shall establish an office (place of operation) in Korea and submit an application for designation to the mayor of “shi” or governor of “do” as required by the Automobile Management Act and its Enforcement Regulation.

**Sector:** Transport Services

**Sub-Sector:** Air Transport Services (Sale of Air Transport)

**Industry Classification:**

**Type of Reservation:** Local Presence

**Source of Measure:** Article 139 of the *Aviation Act* (Law No. 7024, Dec. 30, 2003)  
Article 309 of its *Enforcement Regulation* (Ordinance of the MOCT No. 403, Jul. 3, 2004)

**Description:** Cross-Border Trade in Services

A person who intends to conduct a business of acting as an agent (excludes acting as an agent for passport or visa issuance procedures) in concluding international air service contracts for transport of passengers or cargo for fee using an aircraft on behalf of a person who operates an air transport service business must – prior to conducting the business-- submit (file) the necessary documents with the Minister of Construction and Transportation as stipulated in the Enforcement Regulation of the Aviation Act. An office must be established prior to the submission of documents.

<b>Sector:</b>	Transport Services
<b>Sub-sector:</b>	Water Transportation
<b>Industry Classification:</b>	CPC 7211 Passenger Transportation CPC 7212 Freight Transportation CPC 7213 Rental Services of Sea-Going Vessels with Operator CPC 7214 Towing and Pushing Services CPC 721 Transportation Service by Sea-Going Vessels
<b>Type of Reservation:</b>	National Treatment Local Presence Market Access Senior Management and Board of Directors
<b>Source of Measure:</b>	<i>Law No. 5972</i> , Article 2 and 6 of the <i>Ship Act</i> , April 15, 1999 <i>Law No.5973</i> , Article 104 of the <i>Seaman Act</i> , April 15, 1999 <i>Law No.6774</i> , Article 5 and 26 of the <i>Maritime Transport Act</i> , Dec 11, 2002 <i>Law No. 6841</i> , Article 29 of the <i>Harbor Act</i> , Dec 30, 2002
<b>Description:</b>	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>Only vessels falling under any of following subparagraphs may be registered in Korea.</p> <ol style="list-style-type: none"> <li>1.vessels owned by a Korean national</li> <li>2.vessels owned by a legal entity established in accordance with relevant Korean regulations</li> <li>3.vessels owned by a legal entity that is represented by a Korean national and has established its principal office in Korea(excluding a vessels of paragraph 2)</li> </ol> <p>Cabotage is reserved for Korean vessels. However, cabotage includes inter-Korean transportation</p> <p>The Minister of Maritime Affairs and Fisheries shall, when he intends to grant a license for international maritime passenger transport services, examine whether or not the services shall conform to the criteria of transport demands prescribed by the Minister of Maritime Affairs and Fisheries.</p> <p>Only Korean seafarers may board a Korean vessel. Those who intend to engage in tugboating business must own his/her own tugboat.</p>

<b>Sector:</b>	Transport Services
<b>Sub-Sector:</b>	Water Transportation
<b>Industry Classification:</b>	CPC 74520 Pilotage and berthing services CPC 74530 Navigation aid services CPC 74540 Vessel salvage and refloating services CPC 745 Supporting Services for Transportation
<b>Type of Reservation:</b>	National Treatment, Local Presence, Market Access
<b>Source of Measure:</b>	<i>Law No.6774</i> , Article 34 of the <i>Maritime Transport Act</i> , Dec 11, 2002 <i>Law No. 6610</i> Article 6 and 20 of the <i>Pilotage Act</i> , Jan. 14, 2002 <i>Law No. 5971</i> , Article 7,8,15, 16 of the <i>Ship Safety Act</i> , April. 15, 1999 <i>Law No. 6966</i> , Article 31 of the <i>Ship Investment Company Act</i> , Aug 6, 2003
<b>Description:</b>	<u>Cross-Border Trade in Services</u>  Only a Korean national is eligible to be a maritime pilot.  In the case a vessel, which is not registered in Korea and weighs five hundred tons or more, is in operation within the pilotage area designated by the Ordinance of the Ministry of Maritime Affairs and Fisheries, the captain of the vessel must bring a maritime pilot on board and allow him/her to pilot the ship.  Only Korean nationals or Korean corporations may be involved in the rescue of wrecked ships or in the ship scraping.  Only Korean nationals or legal entities are allowed to conduct vessel inspections as delegated by the Korean government.

**Sector:** Social Services

**Sub-Sector:**

**Industry Classification:** CPC 932 Veterinary Services

**Type of Reservation:** Local Presence, Market Access

**Source of Measure:** *Law No. 6611* Article 2, 4, 10 and 17 of *Veterinary Act*, Jan. 14, 2002

**Description:** Cross-Border Trade in Services

Anyone who wants to be a veterinarian should acquire a license issued by the Minister of Agriculture and Forestry according to the Decree of the Ministry of Agriculture and Forestry after passing the national examination for the license of veterinary services.

A veterinarian is not allowed to practice without establishing an animal hospital and, according to the Decree of the Ministry of Agriculture and Forestry, should report to a mayor/provincial governor if he/she is equipped with appropriate facilities set out by the Presidential Decree.

**Sector:** All sectors

**Sub-Sector:**

**Industry Classification:**

**Type of Reservation:** National Treatment, Local Presence, Market Access, Performance Requirements, Senior Management and Boards of Directors

**Source of Measure:**

**Description** Cross-Border Trade in Services and Investment

All existing non-conforming measures at the local government level



### Section 3: Schedule of Singapore

<b>Sector:</b>	All
<b>Type of Reservation:</b>	National Treatment
<b>Source of Measure:</b>	<p><i>Insurance Act</i>, Cap. 142 (Rev Ed 2002) Section 64, MAS Notice 109,  <i>Banking Act</i>, Cap.19 (Rev Ed 2003) Section 55, MAS Notice 757,  <i>Finance Companies Act</i>, Cap. 108 (Rev Ed 2000) Section 30, MAS Notice 816,  <i>Monetary Authority of Singapore Act</i>, Cap. 186 (Rev Ed 1999) Section 28, MAS Notice 1105  <i>Securities Industry Act</i>, Act 15 of 1986, MAS Notice 1201 /  <i>Securities and Futures Act</i>, Cap. 289 Section 101, SFA 04-N04</p>
<b>Description of Reservation:</b>	<p><u>Investment</u></p> <ol style="list-style-type: none"> <li>1. Financial institutions extending Singapore dollar (S\$) credit facilities exceeding S\$5 million per entity to non-resident financial entities or arranging S\$ equity or bond issues for non-residents, must ensure that where the S\$ proceeds are to be used outside Singapore, they are swapped or converted into foreign currency upon draw-down or before remittance abroad.</li> <li>2. Financial institutions should not extend S\$ credit facilities to non-resident financial entities if there is reason to believe that the S\$ proceeds may be used for S\$ currency speculation.</li> </ol> <p>The term “non-resident” is as defined in MAS Notice 757 issued under the Banking Act.</p>

<b>Sector</b>	-
<b>Sub-Sector</b>	-
<b>Industrial Classification</b>	-
<b>Type of Reservation</b>	National Treatment
<b>Source of Measure</b>	This is an administrative policy of the Government of Singapore and is inscribed in the Memorandum and Articles of Association of PSA Corporation.
<b>Description of Reservation</b>	<p><u>Investment</u></p> <p>The aggregate of foreign shareholdings in PSA Corporation is subject to a 49% limit</p> <p>The “aggregate of foreign shareholdings” is defined as the total number of shares owned by:</p> <ul style="list-style-type: none"> <li>(a) Any individual who is not a Singapore citizen; and</li> <li>(b) Any corporation which is not more than 50% owned by Singapore citizens or by the Singapore Government; and</li> <li>(c) Any other enterprise which is not owned or controlled by the Singapore Government</li> </ul>

<b>Sector</b>	-
<b>Sub-Sector</b>	-
<b>Industrial Classification</b>	-
<b>Type of Reservation</b>	National Treatment
<b>Source of Measure</b>	This is an administrative policy of the Government of Singapore and is inscribed in the Memorandum and Articles of Association of the relevant enterprises below.
<b>Description of Reservation</b>	<p><u>Investment</u></p> <p>All investors, apart from the Singapore government, will be subject to the following equity ownership limits in the enterprises listed below:</p> <ul style="list-style-type: none"> <li>(a) Singapore Technologies Engineering - 15%</li> <li>(b) PSA Corporation – 5%,</li> <li>(c) Singapore Airlines – 5%</li> <li>(d) Singapore Power, Power Grid, Power Supply, Power Gas – 10%</li> </ul> <p>For the purposes of this reservation, ownership of equity by an investor in these enterprises includes both direct and indirect ownership of equity.</p>

<b>Sector</b>	All
<b>Sub-Sector</b>	-
<b>Industrial Classification</b>	-
<b>Type of Reservation</b>	National Treatment
<b>Source of Measure</b>	<p><i>Business Registration Act</i>, Cap. 32, 2001 Revised Edition  <i>Business Registration Regulations</i>, Regulation 9  <i>Companies Act</i>, Cap. 50 , Sections 145(1) and 368 (1)(e)</p>
<b>Description of Reservation</b>	<p><u>Cross-border services and Investment</u></p> <p>Only a person who is a Singapore citizen, Singapore permanent resident or Singapore Employment Pass holder (including those holding an Approval-In-Principle letter from the Ministry of Manpower) will be allowed to register a business without appointing a local manager.</p> <p>A local manager must be a Singapore citizen, Singapore permanent resident or Singapore Employment Pass holder.</p> <p>All locally incorporated companies must comply with the following requirements:</p> <ul style="list-style-type: none"> <li>(a) at least 1 director of the company must be resident in Singapore</li> <li>(b) all branches of foreign companies registered in Singapore must have at least 2 agents resident in Singapore.</li> </ul> <p>To be resident in Singapore, a person should be either a Singapore citizen or Singapore permanent resident or Singapore Employment Pass holder.</p>

<b>Sector</b>	All
<b>Sub-Sector</b>	-
<b>Industry Classification</b>	-
<b>Type of Reservation</b>	National Treatment
<b>Source of Measure</b>	<i>State Lands Act</i> , Cap. 314, Sections 3 and 19(1)
<b>Description of Reservation</b>	<p><u>Investment</u></p> <p>Singapore may divest State Land in a manner inconsistent with National Treatment.</p>

<b>Sector</b>	Business Services
<b>Sub-Sector</b>	Architectural Services
	Architectural services includes selling or supplying for gain or reward any architectural plan, drawing, tracing or the like for use in the construction, enlargement or alteration of any building or part thereof. It includes the certification and inspection of buildings for compliance with fire safety regulations.
<b>Industry Classification</b>	-
<b>Type of Reservation</b>	National Treatment Local Presence
<b>Source of Measure</b>	<i>Architects Act</i> , Cap.12, 2000 Revised Edition Sections 15-17, 20-26
<b>Description of Reservation</b>	<p><u>Cross-Border Services and Investment</u></p> <p>Only persons who are registered with the Board of Architects (BOA) and resident in Singapore are allowed to provide architectural services.</p> <p>All corporations and partnerships providing architectural services (including those which are providing architectural services as part of a multi-disciplinary corporation or practice) must obtain a licence from BOA. To qualify for the licence, the corporation or partnership shall:</p> <ul style="list-style-type: none"> <li>(i) be under the control and management of a director or partner who is a Singapore-registered architect resident in Singapore; where a multi-disciplinary corporation or partnership is concerned, the business of the corporation or partnership relating to architectural services must be under the control and management of a director or partner who is a Singapore-registered architect resident in Singapore; and</li> <li>(ii) where limited corporations are concerned, the Chairman and at least two-thirds of the directors of a corporation shall be Singapore-registered architects or allied professionals; where unlimited corporations are concerned, the directors or members shall be registered professional architects or allied professionals; where partnerships are concerned, the beneficial interest in the capital assets and profits of the partnership shall be held by Singapore-registered architects or allied professionals.</li> </ul> <p>Allied professionals are Singapore-registered land surveyors and engineers.</p>

**Phase-out**

The requirement of “residency” in Singapore shall be phased out by April 2005. The requirement that not less than two-thirds of the directors of a corporation be Singapore-registered or allied professionals shall be reduced to 51 % by April 2005.

<b>Sector</b>	Business Services
<b>Sub-Sector</b>	Financial Auditing services
<b>Industry Classification</b>	CPC 86211 Financial auditing services
<b>Type of Reservation</b>	National Treatment Local Presence
<b>Source of Measure</b>	<i>The Accountants Act 2004</i> , Sections 10(1), 17(3)(d) and 18(3)(c) <i>Accounts (Public Accountants) Rules 2004</i> , Second Schedule, Paragraph 7
<b>Description of Reservation</b>	<u>Cross-Border Services and Investment</u>  Only service suppliers who are registered with the Institute of Certified Public Accountants of Singapore (ICPAS) and the Accounting and Corporate Regulatory Authority shall be registered as public accountants and appointed as company auditor. The business of the firm and accounting corporation, so far as it related to the supply of public accountancy services in Singapore, shall be under the control and management of a public accountant ordinarily resident in Singapore.



<b>Sector</b>	Business – Professional Services
<b>Sub-Sector</b>	Land Surveying Services
<b>Industry Classification</b>	-
<b>Type of Reservation</b>	National Treatment Local Presence
<b>Source of Measure</b>	<i>Land Surveyors Act</i> , Cap. 156, 1992 Revised Edition, Sections 12-16 and 22-28 <i>Land Surveyors Rules</i> , Rules 2-20
<b>Description of Reservation</b>	<p><u>Cross-Border Services and Investment</u></p> <p>All persons seeking to provide land surveying services in Singapore are required to register with the Land Surveyors Board, be resident in Singapore and have had practical experience in surveying in Singapore.</p> <p>All corporations and partnerships (including those which are providing land surveying services as part of a multi-disciplinary corporation or practice) seeking to provide land surveying services must obtain a licence from the Board. To qualify for the licence, the corporation or partnership must::</p> <p>(i) be under the control and management of a director or partner who is a registered surveyor resident in Singapore; where a multi-disciplinary corporation or partnership is concerned, the business of the corporation or partnership relating to land surveying services must be under the control and management of a director or partner who is a registered surveyor resident in Singapore; and</p> <p>(ii) where corporations are concerned, all its directors must be registered surveyors or allied professionals and not less than two-thirds of each class of shares shall be beneficially owned by and registered in the names of registered surveyors and/or allied professionals; where partnerships are concerned, only registered surveyors and allied professionals can have a beneficial interest in the capital assets and profits of the partnership.</p> <p>Allied professionals are professionally registered engineers and architects.</p>

**Phase-out**

The requirement of “residency” in Singapore and that not less than two-thirds of each class of shares of a corporation providing land surveying services be beneficially owned by and registered in the names of Singapore registered surveyors and/or allied professionals shall be phased out by Jan 2005.

<b>Sector</b>	Business Services
<b>Sub-Sector</b>	Patent Agent Services
<b>Industry Classification</b>	-
<b>Type of Reservation</b>	National Treatment Local Presence
<b>Source of Measure</b>	<i>Patents Act</i> , Cap. 221
<b>Description of Reservation</b>	<p><u>Cross-border Services and Investment</u></p> <p>Only persons registered with the Intellectual Property Office of Singapore (IPOS) and resident in Singapore are allowed to carry on a business, practise or act as a patent agent in Singapore.</p> <p>Only enterprises which have at least one Singapore registered patent agent as a director and partner, as the case may be, are allowed to carry on a business, practise or act as a patent agent in Singapore.</p>

<b>Sector</b>	Business services
<b>Sub-Sector</b>	Placement and supply services of personnel
<b>Industry Classification</b>	CPC 87204 Supply services of domestic help personnel
<b>Type of Reservation</b>	Local Presence
<b>Source of Measure</b>	<i>Employment Agencies Act, Cap. 92, Section 2</i>
<b>Description of Reservation</b>	<p><u>Cross-Border Services</u></p> <p>Only service suppliers with local presence shall be allowed to set up employment agencies and place foreign workers in Singapore.</p> <p>These agencies are not the direct employer of foreign workers in Singapore. They serve as intermediaries to help source and supply foreign workers to employers of these workers. Thus, this reservation shall be read with the Annex 9B reservation relating to the supply of a service by a natural person.</p>

<b>Sector</b>	Business Services
<b>Sub-Sector</b>	Professional Engineering services
	Professional engineering services includes any professional service, consultation, investigation, evaluation, planning, design or responsible supervision of construction or operation in connection with any public or privately owned public utilities, buildings, machines, equipment, processes, works or projects wherein the public interest and welfare, or the safeguarding of life, public health or property is concerned or involved, and that requires the application of engineering principles and data.
<b>Industry Classification</b>	-
<b>Type of Reservation</b>	National Treatment Local Presence
<b>Source of Measure</b>	<i>Professional Engineers Act</i> , Cap. 253, Sections 10, 11, 20-26
<b>Description of Reservation</b>	<u>Cross-Border Services and Investment</u>  Only persons who are registered with the Professional Engineers Board (PEB) and resident in Singapore are allowed to provide professional engineering services.  All corporations and partnerships supplying professional engineering services in Singapore (including those who are providing professional engineering services as part of a multi-disciplinary corporation or practice) shall obtain a licence from PEB. To qualify for the licence, the corporation or partnership shall:  (i) be under the control and management of a director or partner who is a Singapore-registered professional engineer resident in Singapore; where a multi-disciplinary corporation or partnership is concerned, the business of the corporation or partnership relating to professional engineering services must be under the control the and management of a director or partner who is a Singapore-registered professional engineer resident in Singapore, and  (ii) where limited corporations are concerned, at least 51 % of the directors of the corporation shall be Singapore-registered professional engineers or allied professionals; where unlimited corporations are concerned, all the directors or members shall be registered professional engineers or allied professionals; where partnerships are concerned, the beneficial interest in the capital assets and profits of the partnerships shall be held by Singapore-registered professional engineers or allied professionals.

Allied professionals are Singapore-registered land surveyors and architects.

<b>Sector</b>	Business Services
<b>Sub-Sector</b>	Real Estate Services
<b>Industry Classification</b>	CPC 82202 Non-residential property management services on a fee or contract basis
<b>Type of Reservation</b>	Market Access National Treatment
<b>Source of Measure</b>	<i>Sentosa Development Corporation Act</i> , Cap. 291, Revised Edition 1998 (30 <sup>th</sup> May 1998), Para (9)
<b>Description of Reservation</b>	<p><u>Cross-Border Services and Investment</u></p> <p>Only the Sentosa Development Corporation and/or its successor body shall be allowed to develop and manage the resort island of Sentosa and its waterways and the Southern Islands of Singapore.</p> <p>However, private developers are allowed to develop specific plots of land on Sentosa and the Southern Islands of Singapore for commercial, residential and recreational purposes.</p> <p>For the purpose of this reservation, the “Southern Islands of Singapore” are St. John’s Island, Lazarus Island, Kusu Island, Pulau Renggit, Sister’s Island, Pulau Hantu, Pulau Biola, Pulau Jong and Pulau Tekukor.</p>

<b>Sector</b>	Business Services
<b>Sub-Sector</b>	Testing, analytical and certification services on animals, plants, and products derived from animals and plants
<b>Industry Classification</b>	-
<b>Type of Reservation</b>	Local Presence
<b>Source of Measure</b>	<i>Agri-Food and Veterinary Authority Act</i> , Cap. 5, 2001 Revised Edition <i>Animals and Birds Act</i> , Cap. 7, 2002 Revised Edition, Section 4 <i>Control of Plants Act</i> , Cap. 57A, 2000 Revised Edition, Section 27
<b>Description of Reservation</b>	<u>Cross-border Services</u>  Only service suppliers with local presence shall be allowed to provide testing, analytical and certification services on animals, plants, and products derived from animals and plants, physically present in Singapore, including where such items are intended for import, export and import for the purposes of re-export.



<b>Sector</b>	Business services n.e.c. – Investigation and security services
<b>Sub-Sector</b>	Private Investigation Services Unarmed Guard Services
<b>Industry Classification</b>	CPC 87301 Investigation Services CPC 87302 Security Consultation Services CPC 87305 Guard Services (only applies to unarmed security guard services)
<b>Type of Reservation</b>	National Treatment Market Access Senior Management and Board of Directors
<b>Source of Measure</b>	<i>Private Investigation and Security Agencies Act</i> , Cap. 249, Regulation 23
<b>Description of Reservation</b>	<p><u>Cross-border Services and Investment</u></p> <p>Only Singapore citizens or permanent residents and Malaysian citizens can be employed as security guards or as private investigators in enterprises providing private investigation or security guard services. Foreigners can be involved in the administration of the enterprise.</p> <p>All enterprises providing unarmed guard services are precluded from escorting cash-in transit operations of S\$250,000 and above.</p> <p>Please also note Singapore's reservation for armed guard services in Annex 9B.</p>

<b>Sector</b>	Community, Personal and Social Services
<b>Sub-Sector</b>	Services of co-operative societies
<b>Industry Classification</b>	CPC 952, Services furnished by membership organisations n.e.c (only applies to co-operative society services)
<b>Type of Reservation</b>	National Treatment Local Presence Senior Management and Boards of Directors
<b>Source of Measure</b>	<i>Co-operative Societies Act, Cap. 62</i>
<b>Description of Reservation</b>	<p><u>Cross-Border Services and Investment</u></p> <p>Only service suppliers with local presence can be registered under the Co-operative Societies Act. Registration allows a co-operative society to be exempt from taxation measures applicable to other enterprises.</p> <p>As a general rule, only Singapore citizens are allowed to hold office or be a member of the management committee of a co-operative society. Foreigners may be allowed to hold office or be a member of the management committee of a co-operative society, on a case-by-case basis.</p> <p>A person who is not a Singapore citizen can form and join a co-operative society if he or she is resident in Singapore.</p> <p>A foreign co-operative society may be allowed to acquire the shares of a Singapore cooperative society, on a case by case basis.</p>

<b>Sector</b>	Education Services
<b>Sub-Sector</b>	Higher Education Services in relation to the training of doctors
<b>Industry Classification</b>	CPC 92390 Other Higher Education Services  (Only applies to Higher Education Services in relation to the training of doctors)
<b>Type of reservation</b>	National Treatment
<b>Source of Source of Measure</b>	<i>Medical Registration Act</i> , Part V, Specialist Accreditation Board, Sections 2, 3, 34 and 35
<b>Description of Reservation</b>	<u>Investment</u>  Only local tertiary institutions shall be allowed to operate undergraduate or graduate programmes for the training of doctors.  Local tertiary institutions are tertiary institutions which are established pursuant to an Act of Parliament.

<b>Sector</b>	Health and Social Services
<b>Sub-Sector</b>	Contact Lens Practitioners
	Deliveries and related services, nursing services, physiotherapeutic and para-medical services (only for nursing and midwife services)
<b>Industry Classification</b>	-
	CPC 93191 Deliveries and related services, nursing services, physiotherapeutic and para-medical services (Only applies to nursing and midwife services)
<b>Type of Reservation</b>	Local Presence
<b>Source of Measure</b>	<i>Nurses and Midwives Act</i> , Cap 209, Sections 26-30 <i>Contact Lens Practitioner Act</i> , Cap. 53A, Sections 4-7
<b>Description of Reservation</b>	<u>Cross-border Services</u>  <u>Contact Lens Practitioners</u>  Only persons who are resident in Singapore are allowed to be Contact Lens Practitioners.  <u>Nurses and midwives</u>  Only persons who are registered with the Singapore Nursing Board and resident in Singapore are allowed to provide nursing or midwife services.

<b>Sector</b>	Health and Social Services
<b>Sub-Sector</b>	Medical Services
<b>Industry Classification</b>	CPC 9312 Medical Services
<b>Type of Reservation</b>	National Treatment Local Presence
<b>Source of Measure</b>	<i>Medical Registration Act</i> , Cap. 174, 2004 Edition, Sections 13, 21 and 23
<b>Description of Reservation</b>	<p><u>Cross-border Services</u></p> <p>Only persons who are registered with the Singapore Medical Council and resident in Singapore can provide medical services.</p> <p>Persons seeking to be registered with the Singapore Medical Council and who are not Singapore citizens will have to complete 6 years of conditional registration before he or she is eligible for full registration.</p>

<b>Sector</b>	Health and Social Services
<b>Sub-Sector</b>	Pharmacy Services
<b>Industry Classification</b>	-
<b>Type of Reservation</b>	Local Presence
<b>Source of Measure</b>	Pharmacists Registration Act, <i>Cap 230, Sections 5-8 and 11-14</i>  Medicines Act, <i>Cap 176, Part IV, Pharmacies, Medicines (Registration of Pharmacists) Regulations</i>
<b>Description of Reservation</b>	<u>Cross-border Services</u>  Only persons who are registered with the Singapore Pharmacy Board and resident in Singapore are allowed to provide pharmacy services.  Only Singapore registered pharmacists (apart from medical professionals) can prepare, dispense, assemble or sell medicinal products as defined under the Medicines Act, Cap 176.

<b>Sector</b>	Import, export and trading services
<b>Sub-Sector</b>	-
<b>Industrial Classification</b>	-
<b>Type of Reservation</b>	Local Presence
<b>Source of Measure</b>	<i>Regulation of Imports and Exports Act</i> , Cap. 272 A Regulation of Imports and Exports Regulation
<b>Description of Reservation</b>	<u>Cross-border Services</u>  Only enterprises with local presence are allowed to apply for import/export permits, certificates of origin or other trade documents from the relevant authorities.

<b>Sector</b>	Manufacturing
<b>Sub-Sector</b>	-
<b>Industry Classification</b>	-
<b>Type of Reservation</b>	National Treatment Performance Requirements
<b>Source of Measure</b>	<i>Control of Manufacture Act</i> , Cap. 57, 2001 Revised Edition
<b>Description of Reservation</b>	<p><u>Investment</u></p> <p>The manufacture of the following products, in Singapore, may be subject to certain restrictions which are inconsistent with National Treatment and Performance Requirements obligations:</p> <ul style="list-style-type: none"> <li>(a) beer and stout;</li> <li>(b) cigars;</li> <li>(c) drawn steel products;</li> <li>(d) chewing gum, bubble gum, dental chewing gum or any like substance (not being a medicinal product within the meaning of the Medicines Act (Cap. 176) or a substance in respect of which an order under section 54 of that Act has been made);</li> <li>(e) cigarettes; and</li> <li>(f) matches.</li> </ul>



<b>Sector</b>	Telecommunications Services
<b>Sub-Sector</b>	Telecommunication Services
<b>Industry Classification</b>	-
<b>Type of Reservation</b>	Market Access National Treatment Local Presence
<b>Source of Measure</b>	<i>Info-communications Development Authority of Singapore Act, Cap. 137A</i> <i>Telecommunications Act, Cap. 323</i>
<b>Description of Reservation</b>	<p><u>Cross-Border Services</u></p> <p>A facilities-based operator (FBO) must be a company incorporated under the Singapore Companies Act, Chapter 50 (1994)<sup>1</sup>.</p> <p>A services-based operator (SBO) must be a company incorporated or a foreign company registered under the Singapore Companies Act, Chapter 50 (1994).</p> <p>The number of licences granted will be limited only by resource constraints, such as the availability of radio frequency spectrum. In view of spectrum constraints, parties interested in deploying networks based on wireless technology may be licensed to use radio frequency spectrum via a tender or auction process.</p>

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<sup>1</sup> A facilities-based operator deploying only fixed wireless infrastructure for public broadband multimedia services through the use of nationwide wireless LAN, LMDS, infra-red and laser technologies may be a foreign company registered under the Singapore Companies Act, Chapter 50 (1994).

<b>Sector</b>	Telecommunications Services
<b>Sub-Sector</b>	Telecommunications Services
	Domain name allocation policies in Internet country code top level domains (ccTLDs) corresponding to Singapore territories (.sg)
<b>Industry Classification</b>	-
<b>Type of Reservation</b>	Market Access National Treatment Local Presence
<b>Source of Measure</b>	<i>Info-communications Development Authority of Singapore Act</i> , Cap. 137A  <i>Telecommunications Act</i> (Cap. 323)  The Internet Corporation for Assigned Names and Numbers (ICANN), which recognises the ultimate authority of sovereign Governments over ccTLDs corresponding to their territories.
<b>Description of Reservation</b>	<u>Cross-Border Services</u>  A registrar must be a company incorporated or a foreign company registered under the Singapore Companies Act, Chapter 50 (1994).

<b>Sector</b>	Power supply
<b>Sub-Sector</b>	-
<b>Industry Classification</b>	-
<b>Type of Reservation</b>	Market Access National Treatment
<b>Source of Measure</b>	<i>Electricity Act</i> , Cap. 89A, 2002 Revised Edition, Sections 6(1) and 9(1)
<b>Description of Reservation</b>	<p><u>Cross-Border Services</u></p> <p>Power producers, whether or not foreign-owned and whether located within or outside Singapore, shall only sell power through the Singapore electricity wholesale market and shall not be allowed to sell directly to consumers.</p> <p>The amount of power supplied cumulatively by power producers located outside of Singapore to Singapore's wholesale power market shall not exceed 600 MW.</p>

<b>Sector</b>	Power supply
<b>Sub-Sector</b>	-
<b>Industry Classification</b>	-
<b>Type of Reservation</b>	Market Access National Treatment
<b>Source of Measure</b>	<i>Electricity Act</i> , Cap. 89A, 2002 Revised Edition, Sections 6(1) and 9(1)
<b>Description of Reservation</b>	<p><u>Cross-Border Services and Investment</u></p> <p>Only SP Services Ltd and/or its successor body shall be allowed to supply electricity to:</p> <p>(i) all household consumers of electricity; and</p> <p>(ii) non-household consumers of electricity whose Average monthly consumption is below 10,000kWh; and</p> <p>(iii) consumers whose electricity is supplied at single-phase low voltage.</p>

<b>Sector</b>	Power transmission and distribution
<b>Sub-Sector</b>	-
<b>Industry Classification</b>	-
<b>Type of Reservation</b>	Market Access National Treatment
<b>Source of Measure</b>	<i>Electricity Act</i> , Cap. 89A, 2002 Revised Edition, Sections 6(1) and 9(1)
<b>Description of Reservation</b>	<p><u>Cross-Border Services and Investment</u></p> <p>Only Power Assets Ltd and/or its successor body shall be the transmission licensee as defined in the Electricity Act.</p> <p>Power Assets Ltd and/or its successor body shall be the sole owner and operator of the electricity transmission and distribution network in Singapore.</p>

<b>Sector</b>	Trade services
<b>Sub-Sector</b>	Distribution and Sale of Hazardous Substances
<b>Industrial Classification</b>	-
<b>Type of Reservation</b>	Local Presence
<b>Source of Measure</b>	<i>Environmental Pollution Control Act</i> , Cap. 94A, Section 22
<b>Description of Reservation</b>	<u>Cross-border Services</u>  Only service suppliers with local presence are allowed to distribute and sell hazardous substances (as defined in the Environmental Pollution Control Act)

<b>Sector</b>	Trade services
<b>Sub-Sector</b>	Retailing Services Wholesale Trade Services
<b>Industry Classification</b>	-
<b>Type of Reservation</b>	National Treatment
<b>Source of Measure</b>	<i>Medicines Act</i> , Cap. 176, Sections 6(3), 36 and 37
<b>Description of Reservation</b>	<p><u>Cross Border Services and Investment</u></p> <p>Only service suppliers who appoint a local agent are allowed to provide wholesale, retail and distribution services for medical and health-related products and materials, intended for the purpose of treating, alleviating, preventing or diagnosing any medical condition, disease or injury, as well as any other such items that may have an impact on the health and well-being of the human body.</p> <p>Such products and materials include but are not limited to drugs and pharmaceuticals, traditional medicines, health supplements, diagnostic test kits, medical devices, cosmetics, tobacco products, radioactive materials and irradiating apparatuses.</p>

<b>Sector</b>	Transport Services
<b>Sub-Sector</b>	Air Transport Services - Passengers Transportation by Air Freight Transportation by Air
<b>Industry Classification</b>	CPC 731 Passenger Transportation by Air CPC 732 Freight Transportation by Air
<b>Type of Reservation</b>	National Treatment
<b>Source of Measure</b>	-
<b>Description of Reservation</b>	<p><u>Investment</u></p> <p>Service suppliers providing air transport services (for both passenger and freight) as a Singapore designated airline shall have to comply with the “effective control” and/or “substantial ownership” requirements of Singapore’s bilateral and multilateral air services agreements.</p> <p>Compliance with the requirements of these agreements may require these service suppliers to comply with conditions on effective control and limits on the foreign ownership as stipulated in Singapore’s bilateral and multilateral air services agreements.</p>



<b>Sector</b>	Transport Services
<b>Sub-Sector</b>	Maritime Transport Services Cargo Handling Services Pilotage Services Supply of Desalinated Water to Ships berthed at Singapore ports or in Singapore territorial waters
<b>Industry Classification</b>	CPC 741 Cargo Handling Services CPC 74520 Pilotage and Berthing Services (only applies to Pilotage Services) Supply of Desalinated Water to Ships berthed at Singapore ports or in Singapore territorial waters
<b>Type of Reservation</b>	Market Access National Treatment
<b>Source of Measure</b>	<i>Maritime and Port Authority of Singapore Act</i> , Cap. 170A, 1997 Revised Edition, Section 81
<b>Description of Reservation</b>	<u>Cross-Border Services and Investment</u>  Only service suppliers licensed by the Maritime and Port Authority of Singapore are allowed to provide cargo handling services.  Only PSA Marine (Pte) Ltd and/or its successor body shall be allowed to provide pilotage services and supply desalinated water to ships berthed at Singapore ports or in Singapore territorial waters.

<b>Sector</b>	Transport Services
<b>Sub-Sector</b>	Maritime Transport Services
<b>Industry Classification</b>	-
<b>Type of Reservation</b>	Market Access National Treatment Local Presence
<b>Source of Measure</b>	<i>Maritime and Port Authority of Singapore Act</i> , Cap. 170A, 1997 Revised Edition, Section 81
<b>Description of Reservation</b>	<u>Cross-Border Services and Investment</u>  Only service suppliers licenced by the Maritime and Port Authority of Singapore are allowed to operate and manage cruise and ferry terminals.

<b>Sector</b>	Transport Services
<b>Sub-Sector</b>	Maritime Transport Services
<b>Industry Classification</b>	-
<b>Type of Reservation</b>	National Treatment
<b>Source of Measure</b>	<i>Merchant Shipping Act</i> , Cap. 179, 1996 Revised Edition, Section 8 <i>Merchant Shipping (Registration of Ships) (Amendment) Regulations 2004</i>
<b>Description of Reservation</b>	<p><u>Cross-Border Services and Investment</u></p> <p>Only a Singapore citizen or permanent resident or Singapore legal person shall be allowed to register a ship under the Singapore flag.</p> <p>All Singapore legal persons seeking to register ships under the Singapore flag shall appoint a ship manager who is resident in Singapore.</p> <p>Vessels or ships owned by Singapore legal persons that are not majority owned by Singapore citizens or Singapore permanent residents shall be of at least 1,600 Gross Tonnage and be self-propelled before they can be registered under the Singapore flag.</p> <p>For the purposes of this reservation, a Singapore legal person is a locally incorporated company.</p>

<b>Sector</b>	Transport Services
<b>Sub-Sector</b>	Maritime Transport Services
<b>Industry Classification</b>	-
<b>Type of Reservation</b>	National Treatment
<b>Source of Measure</b>	<i>Maritime and Port Authority of Singapore Act</i> , Cap. 170A, 1997 Revised Edition, Section 40 <i>Maritime and Port Authority of Singapore (Registration and Employment of Seamen) Regulations</i>
<b>Description of Reservation</b>	<u>Cross-Border Services</u>  Only Singapore citizens and permanent residents can register as Singapore seamen as defined in the Maritime and Port Authority of Singapore Act.

<b>Sector</b>	Production, retail, transportation and distribution of manufactured gas and natural gas (piped gas)
<b>Sub-Sector</b>	-
<b>Industry Classification</b>	-
<b>Type of Reservation</b>	Market Access National Treatment
<b>Source of Measure</b>	<i>Gas Act</i> , Cap. 116A
<b>Description of Reservation</b>	<p><u>Cross-Border Services and Investment</u></p> <p>Only City Gas Ltd and/or its successor body shall be allowed to produce and retail manufactured gas.</p> <p>Only PowerGas Ltd and/or its successor body shall be allowed to transport and distribute manufactured and natural gas (piped gas).</p> <p>PowerGas Ltd and/or its successor body shall be the sole owner and operator of the gas pipeline in Singapore.</p>