

[X]. Chapter Seven (Trade in Services, Establishment and Electronic Commerce) is hereby replaced with the following:

“CHAPTER SEVEN-A

CROSS-BORDER TRADE IN SERVICES

ARTICLE 7A.1

Scope

1. This Chapter applies to a measure adopted or maintained by a Party affecting cross-border trade in services by a service supplier of the other Party. Such measures include measures affecting:

- (a) the production, distribution, marketing, sale, and delivery of a service;
- (b) the purchase or use of, or payment for, a service;
- (c) the access to and use of distribution, transport, or telecommunications networks and services in connection with the supply of a service;
- (d) the presence in a Party’s territory of a service supplier of the other Party; and
- (e) the provision of a bond or other form of financial security as a condition for the supply of a service.

2. In addition to paragraph 1,¹

- (a) Article 7A.5 also applies to a measure adopted or maintained by Korea affecting the supply of a service in its territory by a covered investment;²
- (b) Annex 7A-E (Korea’s Additional Commitments) also applies to a measure adopted or maintained by Korea affecting the supply of a service, including by a covered investment;
- (c) Annex 7A-D (Domestic Regulation) also applies:
 - (i) subject to sub-subparagraph (ii), to a measure adopted or maintained by a Party affecting the supply of a service in its territory by a covered

¹ For greater certainty, nothing in this Chapter, including Annexes 7A-A (Professional Services and Recognition of Professional Qualifications), 7A-B (Express Delivery Services), and 7A-C (International Maritime Transport Services), 7A-D (Domestic Regulation), 7A-E (Korea’s Additional Commitments), is subject to investor-state dispute settlement under Section C (Investor-State Dispute Settlement) of Chapter 7B (Investment).

² To the extent that Article 7A.5 applies to a measure adopted or maintained by Korea affecting the supply of a service in its territory by a covered investment, Articles 7B.18 (Security Exceptions), 7B.19 (General Exceptions), and, for greater certainty, Annex 7B-C (Investment Screening) apply *mutatis mutandis*, notwithstanding Articles 7B.3 (Relation to Other Chapters), 15.8*bis* (General Exceptions), and 15.9 (Security Exceptions).

investment;

- (ii) in respect of Article 7A-D.9 (Authorisation of Non-Services Activity), to a measure adopted or maintained by a Party relating to a covered investment, other than the supply of a service in its territory by that covered investment;
- (d) Annex 7A-B (Express Delivery Services) also applies to a measure adopted or maintained by a Party affecting the supply of express delivery services, including by a covered investment; and
- (e) Annex 7A-C (International Maritime Transport Services) also applies to a measure adopted or maintained by a Party affecting the supply of international maritime transport services, including by a covered investment.

3. This Chapter does not apply to:

- (a) financial services as defined in Article 7D.2 (Definitions), except that paragraphs 2(a) and 2(c) shall apply where the financial service is supplied by a covered investment that is not a covered investment in a financial institution (as defined in Article 7D.2) in the Party's territory;
- (b) government procurement;
- (c) a service supplied in the exercise of governmental authority in a Party's territory;
- (d) cabotage in maritime transport services; and
- (e) a subsidy or grant provided by a Party, including government-supported loans, guarantees, and insurance.

4. This Chapter does not apply to measures affecting natural persons seeking access to the employment market of the other Party, nor does it apply to measures regarding citizenship, nationality, residence, or employment on a permanent basis.

5. This Chapter does not apply to air services, including domestic and international air transportation services, whether scheduled or non-scheduled, or to related services in support of air services, other than the following:

- (a) aircraft repair and maintenance services;
- (b) the selling and marketing of air transport services;
- (c) computer reservation system services;
- (d) specialty air services;
- (e) airport operation services; and

- (f) ground handling services.

6. In the event of any inconsistency between this Chapter and a bilateral, plurilateral, or multilateral air services agreement to which both Parties are party, the air services agreement shall prevail in determining the rights and obligations of the Parties.

7. If the Parties have the same obligations under this Agreement and a bilateral, plurilateral, or multilateral air services agreement, a Party may invoke the dispute settlement procedures of this Agreement only after any dispute settlement procedures in the other agreement have been exhausted.

ARTICLE 7A.2

Definitions

For purposes of this Chapter:

airport operation services means the supply of air terminal, airfield, and other airport infrastructure operation services on a fee or contract basis. Airport operation services do not include air navigation services;

aircraft repair and maintenance services means such activities when undertaken on an aircraft or a part thereof while it is withdrawn from service and do not include line maintenance;

central level of government means:

- (a) for Korea, the central level of government; and
- (b) for the United Kingdom, His Majesty's Government of the United Kingdom of Great Britain and Northern Ireland;

computer reservation system (CRS) services means services provided by computerised systems that contain information about air carriers' schedules, availability, fares, and fare rules, through which reservations can be made or tickets may be issued;

covered investment means a covered investment as defined in Article 7B.2 (Definitions);

cross-border trade in services or cross-border supply of services means the supply of a service:

- (a) from the territory of a Party into the territory of the other Party;
- (b) in the territory of a Party to a person of the other Party; or
- (c) by a national of a Party in the territory of the other Party;

but does not include the supply of a service in the territory of a Party by a covered investment;

enterprise means any entity constituted or organised under applicable law, whether or not for profit, and whether privately or governmentally owned or controlled, including any corporation, trust, partnership, sole proprietorship, joint venture, association or similar organisation, and a branch of an enterprise;

enterprise of a Party means:

- (a) an enterprise organised or constituted under the law of a Party that carries out substantial business activities in the territory of that Party;³ or
- (b) a shipping company established outside the United Kingdom or Korea and controlled by a national of the United Kingdom or Korea respectively, if its vessels are registered in accordance with the respective laws and regulations of the United Kingdom or Korea and carry the flag of the United Kingdom or Korea;

existing means in effect on the date of entry into force of the Upgrade Protocol;

government procurement means the process by which a government obtains the use of or acquires goods or services, or any combination thereof, for governmental purposes and not with a view to commercial sale or resale or use in the production or supply of goods or services for commercial sale or resale;

ground handling services means the supply at an airport, on a fee or contract basis, of the following services: airline representation, administration and supervision; passenger handling; baggage handling; ramp services; catering, except the preparation of the food; air cargo and mail handling; fuelling of an aircraft; aircraft servicing and cleaning; surface transport; and flight operations, crew administration and flight planning. Ground handling services do not include: self-handling; security; line maintenance; aircraft repair and maintenance; or management or operation of essential centralised airport infrastructure, such as de-icing facilities, fuel distribution systems, baggage handling systems and fixed intra-airport transport systems;

measure means any measure by a Party, whether in the form of a law, regulation, rule, procedure, decision, administrative action or in any other form;

measure adopted or maintained by a Party means a measure adopted or maintained by:

- (a) central, regional, or local governments or authorities; or
- (b) non-governmental bodies in the exercise of powers delegated by central, regional, or local governments or authorities;

national means:

³ Whether an enterprise carries out substantial business activities in the territory of a Party should be established on a case-by-case overall examination of the relevant circumstances of the enterprise in that Party.

- (a) for Korea, a Korean national or a permanent resident, under its laws; and
- (b) for the United Kingdom, a British citizen or a permanent resident, under its laws and regulations;

person means a natural person or an enterprise;

person of a Party means a national or an enterprise of a Party;

regional level of government means for the United Kingdom, Northern Ireland, Scotland or Wales, and for Korea regional level of government is not applicable;

selling and marketing of air transport services means opportunities for the air carrier concerned to sell and market freely its air transport services including all aspects of marketing such as market research, advertising and distribution. These activities do not include the pricing of air transport services or the applicable conditions;

service supplied in the exercise of governmental authority means any service which is supplied neither on a commercial basis nor in competition with one or more service suppliers;

service supplier of a Party means a person of a Party that seeks to supply or supplies a service; and

specialty air services means a specialised commercial operation using an aircraft whose primary purpose is not the transportation of goods or passengers, such as aerial fire fighting, flight training, sightseeing, spraying, surveying, mapping, photography, parachute jumping, glider towing, and helicopter-lift for logging and construction, and other airborne agricultural, industrial, and inspection services.

ARTICLE 7A.3

National Treatment⁴

1. Each Party shall accord to services and service suppliers of the other Party treatment no less favourable than that it accords, in like circumstances, to its own services and service suppliers.

2. The treatment to be accorded by a Party under paragraph 1 means, with respect to a regional level of government, treatment no less favourable than the most favourable treatment accorded, in like circumstances, by that regional level of government to service suppliers of the Party of which it forms a part.

ARTICLE 7A.4

⁴ For greater certainty, whether treatment is accorded in “like circumstances” under Article 7A.3 or Article 7A.4 depends on the totality of the circumstances, including whether the relevant treatment distinguishes between services or service suppliers on the basis of legitimate public welfare objectives.

Most Favoured Nation Treatment

Each Party shall accord to services and service suppliers of the other Party treatment no less favourable than that it accords, in like circumstances, to services and service suppliers of a non-party.

ARTICLE 7A.5

Market Access

A Party shall not adopt or maintain, either on the basis of a regional subdivision or on the basis of its entire territory, measures that:

- (a) impose limitations on:
 - (i) the number of service suppliers, whether in the form of numerical quotas, monopolies, exclusive service suppliers, or the requirement of an economic needs test;
 - (ii) the total value of service transactions or assets in the form of numerical quotas or the requirement of an economic needs test;
 - (iii) the total number of service operations or the total quantity of service output expressed in terms of designated numerical units in the form of quotas or the requirement of an economic needs test;⁵ or
 - (iv) the total number of natural persons that may be employed in a particular service sector or that a service supplier may employ and who are necessary for, and directly related to, the supply of a specific service in the form of numerical quotas or the requirement of an economic needs test; or
- (b) restrict or require specific types of legal entity or joint venture through which a service supplier may supply a service.

ARTICLE 7A.6

Local Presence

A Party shall not require a service supplier of the other Party to establish or maintain a representative office or any form of enterprise, or to be resident, in its territory as a condition for the cross-border supply of a service.

ARTICLE 7A.7

⁵ Subparagraph (a)(iii) does not cover a measure of a Party which limits inputs for the supply of services.

Non-Conforming Measures

1. Articles 7A.3 through 7A.6 do not apply to:
 - (a) any existing non-conforming measure that is maintained by a Party at:
 - (i) the central level of government, as set out by that Party in its Schedule to Annex I;
 - (ii) a regional level of government, as set out by that Party in its Schedule to Annex I; or
 - (iii) a local level of government;
 - (b) the continuation or prompt renewal of any non-conforming measure referred to in subparagraph (a); or
 - (c) an amendment to any non-conforming measure referred to in subparagraph (a) to the extent that the amendment does not decrease the conformity of the measure, as it existed immediately before the amendment, with Articles 7A.3, 7A.4, 7A.5, or 7A.6.
2. Articles 7A.3 through 7A.6 do not apply to any measure that a Party adopts or maintains with respect to a sector, sub-sector, or activity, set out by that Party in its Schedule to Annex II.

ARTICLE 7A.8

Recognition

1. For purposes of the fulfilment, in whole or in part, of a Party's standards or criteria for the authorisation, licensing, or certification of a service supplier, and subject to the requirements of paragraph 4, a Party may recognise the education or experience obtained, requirements met, or licences or certifications granted, in the territory of a non-party. That recognition, which may be achieved through harmonisation or otherwise, may be based on an agreement or arrangement with the non-party concerned, or may be accorded autonomously.
2. If a Party recognises, autonomously or by agreement or arrangement, the education or experience obtained, requirements met, or licences or certifications granted in the territory of a non-party, nothing in Article 7A.4 or 7B.6 (Most Favoured Nation Treatment) shall be construed to require the Party to accord recognition to the education or experience obtained, requirements met, or licences or certifications granted, in the territory of the other Party.
3. A Party that is a party to an agreement or arrangement of the type referred to in paragraph 1, whether existing or future, shall afford adequate opportunity to the other Party, on request, to negotiate its accession to that agreement or arrangement, or to negotiate a comparable agreement or arrangement. If a Party accords recognition of the type referred to in

paragraph 1 autonomously, the Party shall afford adequate opportunity to the other Party to demonstrate that education, experience, licenses, or certifications obtained or requirements met in that other Party's territory should be recognised.

4. A Party shall not accord recognition in a manner that would constitute a means of discrimination between the other Party and a non-party in the application of its standards or criteria for the authorisation, licensing, or certification of services suppliers, or a disguised restriction on trade in services.

ARTICLE 7A.9

Payments and Transfers

1. Each Party shall permit all transfers and payments relating to the cross-border supply of services to be made freely and without delay into and out of its territory.

2. Each Party shall permit such transfers and payments relating to the cross-border supply of services to be made in a freely usable currency at the market rate of exchange prevailing at the time of transfer.

3. Notwithstanding paragraphs 1 and 2, a Party may prevent or delay a transfer or payment through the equitable, non-discriminatory, and good faith application of its laws⁶ relating to:

- (a) bankruptcy, insolvency, or the protection of the rights of creditors;
- (b) issuing, trading, or dealing in securities, futures, options, or derivatives;
- (c) financial reporting or record keeping of transfers when necessary to assist law enforcement or financial regulatory authorities;
- (d) criminal or penal offences; or
- (e) ensuring compliance with orders or judgments in judicial or administrative proceedings.

ARTICLE 7A.10

Denial of Benefits

A Party may deny the benefits of this Chapter to a service supplier of the other Party if the service supplier is an enterprise owned or controlled by persons of a non-party, and the denying Party adopts or maintains a measure with respect to the non-party or a person of the non-party that prohibits transactions with the enterprise or that would be violated or circumvented if the

⁶ For greater certainty, this Article does not preclude the equitable, non-discriminatory and good faith application of a Party's law relating to its social security, public retirement or compulsory savings programmes.

benefits of this Chapter were accorded to the enterprise.

ARTICLE 7A.11

Committee on Services and Investment

1. The Committee on Services and Investment established under Article 15.2 (Specialised Committees) shall be composed of government representatives of the Parties.⁷
2. The Committee on Services and Investment shall meet no later than 12 months after the date of entry into force of the Upgrade Protocol and thereafter as the Parties may decide.
3. The Committee on Services and Investment shall:
 - (a) monitor, oversee and exchange information on the implementation and operation of this Chapter, Chapter 7B (Investment), Chapter 7D (Financial Services), Chapter 7C (Entry and Temporary Stay of Business Persons), Chapter 7E (Telecommunications), and Chapter 7F (Digital Trade);
 - (b) seek to resolve differences regarding the interpretation or application of the Chapters specified in subparagraph (a);
 - (c) report to the Trade Committee on its activities; and
 - (d) consider any matters referred to it by the Trade Committee and report back to the Trade Committee about those matters.
4. The Committee on Services and Investment may:
 - (a) consider ways to further enhance trade and investment between the Parties;
 - (b) make recommendations to the Trade Committee, including on the establishment or dissolution of a Working Group;
 - (c) conduct any other function or activity as the Trade Committee may decide; and
 - (d) consider issues regarding those chapters referred to in paragraph 3(a) that the Parties agree.”

⁷ Representatives of the authorities responsible for financial services as specified in Annex 7D-C (Financial Services Working Group) will discuss matters relating to financial services.

ANNEX 7A-A

PROFESSIONAL SERVICES AND RECOGNITION OF PROFESSIONAL QUALIFICATIONS

ARTICLE 7A-A.1

Definitions

For the purposes of this Annex:

professional qualifications means qualifications attested by evidence of specialised qualifications or professional experience; and

professional services means services, the supply of which requires specialised post-secondary education or equivalent training, experience or examination, and for which the right to practise is granted or restricted by a Party¹.

ARTICLE 7A-A.2

Dialogues on Recognition of Professional Qualifications

1. Each Party shall endeavour to identify professional services in its territory in respect of which a mutual interest may exist in establishing a dialogue on the recognition of professional qualifications. To this end, a Party may consult any of its relevant bodies that it deems appropriate.²
2. If a mutual interest between relevant bodies is identified, each Party shall encourage the relevant bodies in its territory that it deems appropriate and that are responsible for the respective areas of mutual interest, to establish dialogues with the relevant bodies in the territory of the other Party on the recognition of professional qualifications.
3. The dialogues referred to in paragraph 2 may consider any appropriate means for achieving progress, including mutual recognition.

¹ For the UK, the right to practise or use a professional title may also be granted or restricted by a relevant association or organisation which has the authority to do so.

² For the UK, the UK may also consult a relevant association or organisation which has the authority to confer or restrict the right to practise or use a professional title, in respect of a profession for which the UK does not itself grant or restrict the right to practise or use a professional title.

ANNEX 7A-B

EXPRESS DELIVERY SERVICES

1. For purposes of this Annex, **express delivery services** means the collection, transport, and delivery, of documents, printed matter, parcels, goods, or other items on an expedited basis while tracking and maintaining control of these items throughout the supply of the service. Express delivery services do not include air transportation services, services supplied in the exercise of governmental authority, or maritime transport services.¹

2. Each Party shall ensure that, where a Party's monopoly supplier of postal services competes, either directly or through an affiliated company, in the supply of express delivery services outside the scope of its monopoly rights, that supplier does not abuse its monopoly position to act in the territory of the Party in a manner inconsistent with the Party's obligations under Article 7A.3 (National Treatment), Article 7A.4 (Most Favoured Nation Treatment), Article 7A.5 (Market Access), Article 7B.4 (Market Access), Article 7B.5 (National Treatment), Article 7B.6 (Most Favoured Nation Treatment), or Article 11.8 (Designated Monopolies). Further to Article 15.14 (Relation to Other Agreements), the Parties also reaffirm their rights and obligations under Article VIII of GATS with respect to express delivery services.²

3. Each Party confirms its intention to prevent revenues derived from monopoly postal services from being directed to confer an advantage to its own or any other competitive supplier's express delivery services.³

4. For greater certainty, this Annex does not limit a Party's right to adopt or maintain a measure outside the scope of this Chapter or a measure regarding transportation services that is not subject to the obligations under the Articles listed in paragraph 2 by reason of an entry in the Party's Schedules to Annex I or Annex II.

¹ For greater certainty, "express delivery services" does not include: (a) for the United Kingdom, services included in a universal postal service as set out in Part 3 of the Postal Service Act 2011, and related regulations as amended from time to time; and (b) for Korea, collecting, processing, and delivering letters for which exclusive rights are reserved for the Korean Postal Authority ("KPA") under the Postal Service Act, but does include collecting, processing, and delivering commercial documents subject to Article 3 of the Enforcement Decree of the Postal Services Act.

² Neither paragraph 2 nor Article 11.8 (Designated Monopolies) shall be construed to require a Party to afford a private express delivery service supplier rights of access to the postal network of its monopoly supplier of postal services.

³ For greater certainty, paragraph 3 shall not be construed to require a Party to amend relevant existing laws and regulations or to prevent KPA from supplying any services.

ANNEX 7A-C

INTERNATIONAL MARITIME TRANSPORT SERVICES

1. This Annex sets out the principles regarding the liberalisation of international maritime transport services.
2. For the purposes of this Annex, **international maritime transport** includes door to door transport operations, which is the carriage of goods using more than one mode of transport, involving a sea-leg, under a single transport document, and to this effect includes the right to directly contract with providers of other modes of transport.
3. In view of the existing levels of liberalisation between the Parties in international maritime transport:
 - (a) the Parties shall apply effectively the principle of unrestricted access to the international maritime markets and trades on a commercial and non-discriminatory basis; and
 - (b) each Party shall grant to vessels flying the flag of the other Party or operated by service suppliers of the other Party treatment no less favourable than that accorded to its own vessels with regard to, *inter alia*, access to ports, use of infrastructure and auxiliary maritime services of the ports as well as related fees and charges, customs facilities, and the assignment of berths and facilities for loading and unloading.
4. In applying these principles, the Parties shall:
 - (a) not introduce cargo-sharing arrangements in future bilateral agreements with non-parties concerning maritime transport services, including dry and liquid bulk and liner trade, and not activate such cargo-sharing arrangements in case they exist in previous bilateral agreements; and
 - (b) upon the entry into force of this Agreement, abolish and abstain from introducing any unilateral measures and administrative, technical and other obstacles which could restrict free and fair competition or constitute a disguised restriction or have discriminatory effects on the free supply of services in international maritime transport.
5. Each Party shall permit international maritime service suppliers of the other Party to have an establishment in its territory under conditions of establishment and operation no less favourable than those accorded to its own service suppliers or those of any non-party, whichever are the better. This paragraph does not apply to a measure adopted or maintained by a Party that is not subject to the obligations pursuant to Article 7B.5 (National Treatment) or Article 7B.6 (Most Favoured Nation Treatment) by reason of an entry in the Party's Schedule to Annex I or Annex II.
6. Each Party shall make available to international maritime transport suppliers of the

other Party on reasonable and non-discriminatory terms and conditions the following services at the port:

- (a) pilotage;
- (b) towing and tug assistance;
- (c) provisioning;
- (d) fuelling and watering;
- (e) garbage collecting and ballast waste disposal;
- (f) port captain's services;
- (g) navigation aids; and
- (h) shore-based operational services essential to ship operations, including communications, water and electrical supplies, emergency repair facilities, anchorage, berth and berthing services.

ANNEX 7A-D

DOMESTIC REGULATION

ARTICLE 7A-D.1

Scope

1. This Annex applies to a measure adopted or maintained by a Party relating to licensing requirements and procedures, qualification requirements and procedures, or technical standards.
2. This Annex does not apply to:
 - (a) the non-conforming aspects of measures that are not subject to the obligations pursuant to Article 7A.3 (National Treatment), Article 7A.5 (Market Access), Article 7A.6 (Local Presence), Article 7B.4 (Market Access) or Article 7B.5 (National Treatment) by reason of an entry in a Party's Schedule to Annex I; or
 - (b) measures that are not subject to the obligations pursuant to Article 7A.3 (National Treatment), Article 7A.5 (Market Access), Article 7A.6 (Local Presence), Article 7B.4 (Market Access) or Article 7B.5 (National Treatment) by reason of an entry in a Party's Schedule to Annex II.
3. The Parties recognise the right to regulate and to introduce new laws and regulations relating to the supply of services within their territories to meet their policy objectives.

ARTICLE 7A-D.2

Definitions

For the purposes of this Annex, **authorisation** means:

- (a) subject to subparagraph (b), the permission to supply a service, resulting from a procedure to which a service supplier of a Party must adhere in order to demonstrate compliance with licensing requirements, qualification requirements, or technical standards;
- (b) in respect of Article 7A-D.9, the permission to pursue economic activity through a covered investment, resulting from a procedure to which an applicant must adhere in order to demonstrate compliance with licensing requirements, qualification requirements, or technical standards.

ARTICLE 7A-D.3

Administration of Measures of General Application

Each Party shall ensure that a measure of general application is administered in a reasonable, objective, and impartial manner.

ARTICLE 7A-D.4

Development of Measures

1. 1. If a Party adopts or maintains a measure relating to authorisation, it shall ensure that:

- (a) that measure is based on objective and transparent criteria;¹
- (b) the procedures are impartial, accessible, and adequate for applicants to demonstrate whether they meet the requirements, if those requirements exist;
- (c) the procedures do not in themselves unjustifiably prevent the fulfilment of requirements; and
- (d) that measure does not discriminate between men and women.²

2. If a Party adopts or maintains a measure relating to authorisation, it shall endeavour to ensure that the requirements which must be met in order to obtain, maintain, or renew an authorisation preclude a competent authority from exercising its power of assessment in an arbitrary manner and are:

- 2. (a) clear and unambiguous;
- (b) impartial;
- (c) made public in advance; and
- (d) easily accessible.

¹ These criteria may include competence and the ability to supply a service, including to do so in a manner consistent with the Party's regulatory requirements, such as health and environmental requirements. Competent authorities may assess the weight to be given to each criterion.

² Differential treatment that is reasonable and objective, and aims to achieve a legitimate purpose, and adoption by a Party of temporary special measures aimed at accelerating *de facto* equality between men and women, shall not be considered discrimination for the purposes of this subparagraph.

ARTICLE 7A-D.5

Submission of Applications

Each Party shall, to the extent practicable, avoid requiring an applicant to approach more than one competent authority for each application for authorisation. If a service is within the jurisdiction of multiple competent authorities, multiple applications for authorisation may be required.

ARTICLE 7A-D.6

Application Timeframes

If a Party requires authorisation, it shall ensure that its competent authorities, to the extent practicable, permit submission of an application at any time throughout the year.³ If a specific time period for applying exists, the Party shall ensure that the competent authorities allow a reasonable period of time for the submission of an application.

ARTICLE 7A-D.7

Electronic Applications and Acceptance of Copies

If a Party requires authorisation, it shall ensure that its competent authorities:

- (a) shall endeavour to provide for applications to be completed by electronic means, including from within the territory of the other Party; and
- (b) accept copies of documents authenticated in accordance with the Party's laws and regulations in place of original documents unless the competent authorities require original documents to protect the integrity of the authorisation process.

ARTICLE 7A-D.8

Processing of Applications

1. If a Party requires authorisation, it shall ensure that its competent authorities:
 - (a) to the extent practicable, publish in advance a fixed or indicative timeframe for processing an application;
 - (b) confirm in writing⁴ that an application has been received, unless the Party's laws and regulations otherwise provide, and, at the request of the applicant,

³ Competent authorities are not required to start considering applications outside of their official working hours and working days.

⁴ References in subparagraphs (b) and (d) to "in writing" include in electronic format.

provide without undue delay information concerning the status of the application;

- (c) ascertain without undue delay the completeness of an application for processing under the Party's laws and regulations;⁵
- (d) if the competent authorities consider an application complete for processing under the Party's laws and regulations,⁶ within a reasonable period of time after the submission of the application, ensure that:
 - (i) the processing of the application is completed; and
 - (ii) unless the Party's laws and regulations otherwise provide, the applicant is informed in writing of the decision concerning the application;⁷
- (e) if the competent authorities consider an application incomplete for processing under the Party's laws and regulations, within a reasonable period of time, to the extent practicable:
 - (i) inform the applicant that the application is incomplete;
 - (ii) at the request of the applicant, identify the additional information required to complete the application, or otherwise provide guidance on why the application is considered incomplete; and
 - (iii) provide the applicant with the opportunity⁸ to correct deficiencies in the application;

however, if none of the above is practicable, and the application is rejected due to incompleteness, ensure that they so inform the applicant within a reasonable period of time; and
- (f) if an application is rejected, to the extent possible, either on their own initiative or on request of the applicant, inform the applicant of the reasons for rejection and if applicable, the procedures for resubmission of an application. An applicant should not be prevented from submitting another application⁹ solely on the basis of a previously rejected application.

2. Each Party shall ensure that its competent authorities ensure that an authorisation, once granted, enters into effect without undue delay, subject to the applicable terms and conditions.¹⁰

⁵ Competent authorities are not responsible for delays due to reasons outside their competence.

⁶ Competent authorities may require that all information is submitted in a specified format to consider it "complete for processing".

⁷ Competent authorities may meet this requirement by informing an applicant in advance, in writing, including through a published measure, that lack of response after a specified period of time from the date of submission of an application indicates acceptance of the application or rejection of the application.

⁸ This opportunity does not require a competent authority to provide extensions of deadlines.

⁹ Competent authorities may require that the content of the application be revised.

¹⁰ Competent authorities are not responsible for delays due to reasons outside their competence.

ARTICLE 7A-D.9

Authorisation of Non-Services Activity

Each Party shall ensure that where authorisation is required for a covered investment, other than for the supply of a service in its territory by a covered investment, its competent authorities shall:

- (a) at the request of the applicant, provide without undue delay, information concerning the status of the application for authorisation; and
- (b) inform the applicant of the decision concerning the application within a reasonable period of time, after submission of an application considered complete under the domestic law of that Party.

ARTICLE 7A-D.10

Fees

1. Each Party shall ensure that the authorisation fees¹¹ charged by its competent authorities are reasonable, transparent, based on authority set out in a measure and do not in themselves restrict the supply of the relevant service.
2. Each Party shall endeavour to make authorisation fees publicly available in advance and payable by electronic means.

ARTICLE 7A-D.11

Examinations

1. If a Party requires an examination for authorisation, it shall ensure that its competent authorities schedule the examination at reasonably frequent intervals and provide a reasonable period of time to enable applicants to request to take the examination.
2. If a Party requires an examination for authorisation, it shall ensure that its competent authorities endeavour to accept a request in electronic format to take that examination and consider, to the extent practicable, the use of electronic means in other aspects of the examination process.

¹¹ Authorisation fees do not include fees for the use of natural resources, payments for auction, tendering or other non-discriminatory means of awarding concessions, or mandated contributions to universal service provision.

ARTICLE 7A-D.12

Independence

If a Party adopts or maintains a measure relating to authorisation, it shall ensure that the competent authority reaches and administers its decisions in a manner independent from any supplier of the service for which the authorisation is required.¹²

ARTICLE 7A-D.13

Publication and Information Available

1. If a Party requires authorisation, it shall promptly publish,¹³ to the extent practicable through electronic means that are easily accessible, the information necessary for a service supplier of a Party to comply with the requirements and procedures for obtaining, maintaining, amending, and renewing that authorisation. If it exists, that information shall include:

- (a) contact information of relevant competent authorities;
- (b) the requirements and procedures;
- (c) fees;
- (d) technical standards;
- (e) procedures for appeal or review of decisions concerning applications;
- (f) procedures for monitoring or enforcing compliance with the terms and conditions of licenses or qualifications;
- (g) opportunities for public involvement, such as through hearings or comments;
- (h) fixed or indicative timeframes for the processing of an application; and
- (i) the length of authorisations.

2. To the extent practicable, each Party shall endeavour to encourage its competent authorities to respond to a reasonable request for information.

¹² For greater certainty, this provision does not mandate a particular administrative structure; it refers to the decision-making process and administering of decisions.

¹³ For the purposes of this Article, “publish” means to include in an official publication, such as an official journal, or on an official website. Each Party is encouraged to consolidate electronic publications into a single portal.

ARTICLE 7A-D.14

Technical Standards

Each Party shall encourage its competent authorities, when adopting technical standards, to adopt technical standards developed through open and transparent processes, and shall encourage any body, including relevant international organisations,¹⁴ designated to develop technical standards to use open and transparent processes.

ARTICLE 7A-D.15

Opportunity to Comment Before Entry into Force

1. To the extent practicable and in a manner consistent with its legal system for adopting measures, each Party¹⁵ shall publish in advance:

- (a) its laws and regulations of general application it proposes to adopt in relation to matters falling within the scope of this Annex; or
- (b) documents that provide sufficient details about such a possible new law or regulation to allow interested persons and the other Party to assess whether and how their interests might be significantly affected.

2. To the extent practicable and in a manner consistent with its legal system for adopting measures, each Party is encouraged to apply paragraph 1 to procedures and administrative rulings of general application it proposes to adopt in relation to matters falling within the scope of this Annex.

3. To the extent practicable and in a manner consistent with its legal system for adopting measures, each Party shall provide interested persons and the other Party a reasonable opportunity to comment on such proposed measures or documents published under paragraphs 1 or 2.

4. To the extent practicable and in a manner consistent with its legal system for adopting measures, each Party shall consider comments received under paragraph 3.¹⁶

5. In publishing a law or regulation referred to in paragraph 1(a), or in advance of such publication, to the extent practicable and in a manner consistent with its legal system for adopting measures, a Party is encouraged to explain the purpose and rationale of the law or

¹⁴ The term “relevant international organisations” refers to international bodies whose membership is open to the relevant bodies of each Party.

¹⁵ Paragraphs 1 through 4 recognise that each Party has different systems to consult interested persons and the other Party on certain measures before their adoption, and that the alternatives set out in paragraph 1 reflect different legal systems.

¹⁶ This provision is without prejudice to the final decision of a Party that adopts or maintains any measure for authorisation.

regulation.

6. Each Party shall, to the extent practicable, endeavour to allow reasonable time between publication of the text of a law or regulation referred to in paragraph 1(a) and the date on which service suppliers of a Party must comply with the law or regulation.

ARTICLE 7A-D.16

Enquiry Points

Each Party shall maintain or establish appropriate mechanisms for responding to an enquiry from a service supplier of a Party regarding the measures covered by this Annex.

ANNEX 7A-E

KOREA'S ADDITIONAL COMMITMENTS

For purposes of this Annex, the commitments below indicate additional commitments undertaken by Korea with respect to measures affecting cross-border trade in services and investment notwithstanding its Schedules to Annex I and Annex II.

For greater certainty, **CPC** means the Central Products Classification as set out in Statistical Office of the United Nations, Statistical Papers, Series M, NO 77, CPC Prov, 1991.

A. Legal Services (CPC 861*)

1. Representation in international commercial arbitration is permitted, provided that the applicable procedural and substantive laws in the arbitration are either the laws which the Foreign Legal Consultant is qualified to practice in Korea, or international rules.
2. Use of home title in its own language is permitted, provided that it is used with reference to "Foreign Legal Consultant" in Korean.
3. Use of firm name is permitted, provided that it is used with reference to "Foreign Legal Consultants Office" in Korean.

B. Accounting, auditing and book-keeping services (CPC 862)

1. An accounting firm or office of Korea may, by paying an annual membership fee, acquire membership to international accounting organisations which have world-wide business networks.
2. The following services may be supplied to an accounting firm or office of Korea through a membership contract: (i) Consultancy for foreign accounting standards and auditing; (ii) Training of CPAs; (iii) Transfer of auditing technology; and (iv) Exchange of information.

C. Architectural services (CPC 8671)

UK architects licensed under UK law may acquire a Korean architect license by passing a simplified examination which covers only two of the regular test's three subjects: (i) Architectural design I; and (ii) Architectural design II.

D. Telecommunications Services (Value-added services)

Value-added service providers are allowed to supply data transmission services.¹

¹ Telecommunications services which transmit and/or exchange the customer's data without change in the form or content (voice telephony, telex, facsimile services and simple resale of leased circuits are excluded).