ANNEX I

NON CONFORMING MEASURES
FOR CROSS BORDER TRADE IN SERVICES AND INVESTMENT

SCHEDULE OF THE UNITED KINGDOM

Introductory Notes

1. This Schedule sets out, pursuant to Articles 7B.12.1 (Non-Conforming Measures) and 7A.7.1 (Non-Conforming Measures), the United Kingdom's existing measures that are not subject to some or all of the obligations imposed by:

(a) Articles 7B.5 (National Treatment) or 7A.3 (National Treatment);

(b) Articles 7B.6 (Most Favoured Nation Treatment) or 7A.4 (Most Favoured Nation Treatment);

(c) Articles 7B.4.1 (Market Access) or 7A.5 (Market Access); or

(d) Article 7A.6 (Local Presence).

2. Each Schedule entry sets out the following elements:

(a) **Sector** refers to the sector for which the entry is made;

(b) **Sub-Sector**, where referenced, refers to the specific sub-sector for which the entry is made;

(c) **Industry Classification**, where referenced, refers to the activity covered by the entry, according to the CPC, ISIC Rev. 3.1, or as expressly otherwise described in the entry;

(d) **CPC** means the Provisional Central Product Classification (Statistical Papers Series M No. 77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991); and

(e) **ISIC Rev 3.1** means the International Standard Industrial Classification of All Economic Activities (Statistical Papers Series M No. 4, ISIC Rev. 3.1, Statistical Office of the United Nations, New York, 2002);

(f) **Obligations Concerned** specifies the obligations referred to in paragraph 1 that, pursuant to Articles 7B.12.1 (Non-Conforming Measures) and 7A.7.1 (Non-Conforming Measures), do not apply to the listed measures;

(g) **Level of Government** indicates the level of government maintaining the listed measures;

(h) **Measures** identifies the laws, regulations or other measures for which the entry is made. A measure cited in the **Measures** element:

(i) means the measure as amended, continued, or renewed as of the date of entry into force of the Upgrade Protocol; and

(ii) includes any subordinate measure adopted or maintained under the authority of or consistent with the measure; and

(i) **Description** provides a general non-binding description of the measure for which the entry is made.

3. In the interpretation of an entry, all elements of the entry shall be considered. An entry shall be interpreted in light of the relevant provisions of the Chapters against which the entry is taken. The **Measures** element shall prevail over all the other elements.

4. For greater certainty, non-discriminatory measures do not constitute a market access limitation within the meaning of Articles 7B.4.1 (Market Access) or 7A.5 (Market Access) for any measure seeking to ensure the conservation and protection of natural resources and the environment, including a limitation on the availability, number, and scope of concessions granted, and the imposition of a moratorium or ban.

1.

Sector:	Professional Services
Sub-Sector:	Legal Services
Industry Classification:	Part of CPC 861
Obligations Concerned:	National Treatment (Articles 7B.5 and 7A.3) Market Access (Articles 7B.4.1 and 7A.5) Local Presence (Article 7A.6)
Level of Government:	Central and Regional
Measures:	For England and Wales, the *Solicitors Act 1974*, the *Administration of Justice Act 1985* and the *Legal Services Act 2007* For Scotland, the *Solicitors (Scotland) Act 1980,* the *Legal Services (Scotland) Act 2010* and the *Regulation of Legal Services (Scotland) Act 2025* For Northern Ireland, the *Solicitors (Northern Ireland) Order 1976* For all jurisdictions, the *Immigration and Asylum Act 1999* In addition, the measures applicable in each jurisdiction include any requirements set by professional or regulatory bodies.
Description:	<u>Investment and Cross-Border Trade in Services</u> The relevant professional or regulatory body may require establishment for the provision of certain United Kingdom domestic legal services. Non-discriminatory legal form requirements may apply. The relevant professional or regulatory body may require residency for the provision of certain United Kingdom domestic legal services in relation to immigration.

2.

Sector:	Professional Services
Sub-Sector:	Intellectual Property Agents
Industry Classification:	
Obligations Concerned:	Most Favoured Nation Treatment (Article 7A.4) Local Presence (Article 7A.6)
Level of Government:	Central
Measures:	*Copyright, Designs and Patents Act 1988*, Part V and Schedule 5
Description:	<u>Cross-Border Trade in Services</u> Local presence is required for the provision of intellectual property agency services.

3.

Sector: Professional Services

Sub-Sector: Veterinary Services

Industry Classification: CPC 932

Obligations Concerned: Market Access (Article 7A.5)

Level of Government: Central

Measures: *Veterinary Surgeons Act 1966*, Section 16, Section 19 and Section 20

Description: Cross-Border Trade in Services

Only members of the Royal College of Veterinary Surgeons (RCVS) may provide veterinary services in the United Kingdom. RCVS guidelines may require physical presence for the provision of veterinary services.

4.

Sector:	Business Services
Sub-Sector:	Rental or Leasing Services without Operators
Industry Classification:	CPC 83104
Obligations Concerned:	National Treatment (Articles 7B.5 and 7A.3) Most Favoured Nation Treatment (Article 7B.6)
Level of Government:	Central
Measures:	*Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (Recast)*, as assimilated in the law of the United Kingdom by the *European Union (Withdrawal) Act 2018* and as amended by the *Operation of Air Services (Amendment etc.) (EU Exit) Regulations (S.I. 2018/1392)*, Article 13
Description:	<u>Investment and Cross-Border Trade in Services</u> For rental or leasing of aircraft without crew (dry lease), aircraft used by an air carrier of the United Kingdom are subject to applicable aircraft registration requirements. A dry lease agreement to which a United Kingdom carrier is a party shall be subject to requirements in the national law on aviation safety, such as prior approval and other conditions applicable to the use of a Party or a non-party's registered aircraft. To be registered, aircraft may be required to be owned either by natural persons meeting specific nationality criteria or by enterprises meeting specific criteria regarding ownership of capital and control.

5.

Sector: Business Services

Sub-Sector: Other Business Services

Industry Classification:

Obligations Concerned: National Treatment (Articles 7B.5 and 7A.3)
Most Favoured Nation Treatment (Articles 7B.6 and 7A.4)
Market Access (Articles 7B.4.1 and 7A.5)

Level of Government: Central

Measures: *Regulation (EC) No 80/2009 of the European Parliament and of the Council of 14 January 2009 on a Code of Conduct for computerised reservation systems and repealing Council Regulation (EEC) No 2299/89*, as assimilated in the law of the United Kingdom by the *European Union (Withdrawal) Act 2018* and as amended by *The Computer Reservation Systems (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1080)*, Article 8

Description: Investment and Cross-Border Trade in Services

With respect to Computer Reservation System (CRS) services, if the United Kingdom's air carriers are not accorded, by CRS services suppliers operating outside the United Kingdom, equivalent (meaning non-discriminatory) treatment to that accorded in the United Kingdom, or if the United Kingdom's CRS services suppliers are not accorded, by non-United Kingdom air carriers, equivalent treatment to that accorded in the United Kingdom, measures may be taken to accord equivalent discriminatory treatment, respectively, to the non-United Kingdom air carriers by the CRS services suppliers operating in the United Kingdom, or to the non-United Kingdom CRS services suppliers by the United Kingdom's air carriers.

6.

Sector:	Communication Services
Sub-Sector:	Postal and Courier Services
Industry Classification:	Part of CPC 71235, part of CPC 73210 and part of CPC 751
Obligations Concerned:	Market Access (Articles 7B.4.1 and 7A.5)
Level of Government:	Central
Measures:	*Postal Services Act 2011*, Part 3 *Postal Services Act 2000*, Parts V, VI and VII, Schedule 6 and Schedule 8
Description:	<u>Investment and Cross-Border Trade in Services</u> The United Kingdom may restrict the organisation of the siting of letter boxes on the public highway, the issuing of postage stamps and the provision of the registered mail service used in the course of judicial or administrative procedures. For greater certainty, postal operators may be subject to particular universal service obligations or a financial contribution to a compensation fund.

7.

Sector: Transport Services

Sub-Sector: Services Auxiliary to Air Transport

Industry Classification:

Obligations Concerned: National Treatment (Articles 7B.5 and 7A.3)
Most Favoured Nation Treatment (Articles 7B.6 and 7A.4)
Market Access (Articles 7B.4.1 and 7A.5)

Level of Government: Central

Measures: *Airports (Groundhandling) Regulations 1997 (S.I. 1997/2389)*, Regulation 10, Regulation 11, Regulation 14 and Regulation 19

Description: Investment and Cross-Border Trade in Services

The level of openness of ground handling services depends on the size of airport. The number of suppliers in each airport may be limited. For big airports, this limit shall not be less than two suppliers.

If, with respect to access to the ground handling or self-handling market:

(a) Korea accords to ground handling services and self-handling airport users of the United Kingdom treatment less favourable than the treatment accorded by the United Kingdom to suppliers of ground handling services and self-handling airport users from Korea; or

(b) Korea accords to ground handling services and self-handling airport users of the United Kingdom treatment less favourable than the treatment accorded to the ground handling services and self-handling airport users from Korea or from a non-party,

the United Kingdom may accord to ground handling services and self-handling airport users from Korea differential treatment compared to the treatment accorded to them under *The Airports (Groundhandling) Regulations 1997*.

8.

Sector: Transport Services

Sub-Sector: Supporting Services for all Modes of Transport

Industry Classification:

Obligations Concerned: Local Presence (Article 7A.6)

Level of Government: Central

Measures: *Taxation (Cross-Border Trade) Act 2018*, Part 1, Sections 45, 51, 52, and 56, Schedules 1, 2, 6 and 7

Customs and Excise Management Act 1979, Sections 25, 25A, and 93, Part VIIIB and Section 166B

Description: <u>Cross-Border Trade in Services</u>

Only persons established in the United Kingdom may provide customs services, including customs clearance services and services relating to use of temporary storage facilities or customs warehouses. For greater certainty, this includes residents in the United Kingdom and persons with a permanent place of business in the United Kingdom or a registered office in the United Kingdom.

9.

Sector: Energy Related Activities

Sub-Sector: Mining and Quarrying

Industry Classification: ISIC Rev 3.1 11

Obligations Concerned: Market Access (Articles 7B.4.1 and 7A.5)

Level of Government: Central and Regional

Measures: *Petroleum Act 1998*, Sections 2, 3 and 4

Description: Investment and Cross-Border Trade in Services

1. A licence is necessary to undertake exploration and production activities, both onshore and offshore. Mining and quarrying services may be provided to that licence holder without restriction.

2. This entry shall apply to production licences issued with respect to both onshore and offshore activities. To be a licensee, a company must have a place of business within the United Kingdom. That means:

(a) it has staff present in the United Kingdom;

(b) registration of a United Kingdom company at Companies House; or

(c) registration of a United Kingdom branch of a foreign company at Companies House.

3. To be a party to a licence that covers a producing field, a company must either:

(a) be registered as a United Kingdom company at Companies House; or

(b) carry on its business through a fixed place of business in the United Kingdom as defined in section 1141 of the *Corporation Tax Act 2010* (which normally requires presence of staff).

4. This entry does not cover the provision of mining and quarrying services to a licence holder. Such services may be provided without restriction, provided that the holder of the production licence meets the criteria above. ”