

ANNEX II

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.12.2 (Non-Conforming Measures) and 7A.7.2 (Non-Conforming Measures), the specific sectors, sub-sectors, or activities for which the United Kingdom may maintain existing, or adopt new or more restrictive, measures that do not conform with 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.12.2 (Non-Conforming Measures) and 7A.7.2 (Non-Conforming Measures), do not apply to the sectors, sub-sectors, or activities listed in the entry;

- (g) **Description** sets the scope or nature of the sectors, sub-sectors or activities covered by the entry to which the reservation applies; and
- (h) **Existing Measures**, where specified, identifies, for transparency purposes, a non-exhaustive list of measures that apply to the sectors, sub-sectors, or activities covered by the entry at the date of entry into force of the Upgrade Protocol.

3. In the interpretation of an entry, all elements of the entry shall be considered. The **Description** element shall prevail over all 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: All

Sub-Sector:

Industry Classification:

Obligations Concerned: Market Access (Article 7B.4.1)

Description: Investment

1. Services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators.

2. Public utilities exist in sectors such as related scientific and technical consulting services, R&D services on social sciences and humanities, technical testing and analysis services, environmental services, health services, transport services and services auxiliary to all modes of transport. Exclusive rights on such services are often granted to private operators, for instance operators with concessions from public authorities, subject to specific service obligations. Given that public utilities often also exist at the sub-central level, detailed and exhaustive sector-specific scheduling is not practical. This entry shall not apply to telecommunications and to computer and related services.

Existing Measures:

2.

Sector: All

Sub-Sector:

Industry Classification:

Obligations Concerned: Most Favoured Nation Treatment (Articles 7B.6 and 7A.4)

Description: Investment and Cross-Border Trade in Services

1. The United Kingdom reserves the right to adopt or maintain any measure that accords differential treatment under any international agreement in force or signed prior to the date of entry into force of this Agreement.

2. The United Kingdom reserves the right to adopt or maintain any measure that accords differential treatment under any bilateral or multilateral agreement signed after the date of entry into force of this Agreement which:

- (a) creates an internal market in services and investment;
- (b) grants the right of establishment; or
- (c) requires the approximation of legislation in one or more economic sectors.

For purposes of this entry:

An **internal market in services and investment** means an area without internal frontiers in which the free movement of services, capital and persons is ensured.

The **right of establishment** means an obligation to abolish in substance all barriers to establishment among the parties to the regional economic integration agreement by the entry into force of that agreement. The right of establishment shall include the right of nationals of the parties to the regional economic integration agreement to set up and operate enterprises under the same conditions provided for nationals under the law of the country where such establishment takes place.

The **approximation of legislation** means:

- (a) the alignment of the legislation of one or more of the parties to the regional economic integration agreement with the legislation of the other party or parties to that agreement; or
- (b) the incorporation of common legislation into the law of the parties to the regional economic integration agreement.

Such alignment or incorporation shall take place, and shall be deemed to have taken place, only at such time that it has been enacted in the law of the party or parties to the regional economic integration agreement.

The United Kingdom shall notify the Committee on Trade in Services and Investment established pursuant to Article 15.2 (Specialised Committees) of any bilateral or multilateral agreement which it considers to fulfil the conditions of this paragraph.

Upon the request of Korea, and further to a notification under this paragraph, the Parties shall discuss and review, at the Committee on Trade in Services and Investment or in separate consultations, whether the bilateral or multilateral agreement fulfils the conditions of this paragraph.

3. The United Kingdom reserves the right to adopt or maintain any measure that accords differential treatment relating to the right of establishment for nationals or enterprises through existing or future bilateral agreements with any of the following countries or principalities: Andorra, Monaco, San Marino or the Vatican City State.

4. The United Kingdom reserves the right to adopt or maintain any measure that accords differential treatment under existing or future agreements relating to:

- (a) aviation;
- (b) maritime matters, including salvage; or
- (c) international road haulage (including combined transport – road or rail) and passenger transport (CPC 7111, 7112, 7121, 7122 and 7123).

Existing Measures:

3.

Sector: Defence

Sub-Sector:

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)
Local Presence (Article 7A.6)

Description: Investment and Cross-Border Trade in Services

The United Kingdom reserves the right to adopt or maintain any measure with respect to the production or distribution of, or trade in, arms, munitions and war material. War material is limited to any product which is solely intended and made for military use in connection with the conduct of war or defence activities.

Existing Measures:

4.

Sector: All

Sub-Sector:

Industry Classification:

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

Description: Cross-Border Trade in Services

The United Kingdom reserves the right to adopt or maintain any measure with respect to the supply of a service by the presence of natural persons, subject to Chapter 7C (Entry and Temporary Stay of Business Persons), that is not inconsistent with the United Kingdom's obligations under GATS.

Existing Measures:

5.

Sector: All

Sub-Sector:

Industry Classification:

Obligations Concerned: National Treatment (Articles 7B.5 and 7A.3)

Description: Investment and Cross-Border Trade in Services

The United Kingdom reserves the right to adopt or maintain any measure with respect to taxation related to the sale, purchase or transfer of residential property (including interests that arise via leases, financing and profit-sharing arrangements, and acquisition of interests in enterprises that own residential property).

Existing Measures:

6.

Sector: Professional Services

Sub-Sector: Legal Services

Industry Classification: Part of CPC 861 and part of CPC 87902

Obligations Concerned: National Treatment (Articles 7B.5 and 7A.3)
Market Access (Articles 7B.4.1 and 7A.5)
Local Presence (Article 7A.6)

Description: Investment and Cross-Border Trade in Services

The United Kingdom reserves the right to adopt or maintain any measure with respect to the supply of legal advisory and legal authorisation, documentation and certification services provided by legal professionals entrusted with public functions, such as notaries, and with respect to services provided by bailiffs.

Existing Measures:

7.

Sector:	Professional Services
Sub-Sector:	Auditing Services
Industry Classification:	CPC 86211 and 86212 other than accounting and bookkeeping services
Obligations Concerned:	National Treatment (Articles 7A.3) Market Access (Article 7A.5) Local Presence (Article 7A.6)
Description:	<u>Cross-Border Trade in Services</u> The United Kingdom reserves the right to adopt or maintain any measure with respect to auditing services.
Existing Measures:	<i>Companies Act 2006</i>

8.

Sector: Professional Services

Sub-Sector: Health-related Professional Services

Industry Classification: CPC 85201, 9312 and 93191

Obligations Concerned: National Treatment (Article 7A.3)
Market Access (Articles 7B.4.1 and 7A.5)
Local Presence (Article 7A.6)

Description: Investment – Market Access

Establishment for doctors under the National Health Service is subject to medical manpower planning (CPC 93121 and 93122).

Cross-Border Trade in Services – National Treatment, Market Access, Local Presence

The United Kingdom reserves the right to adopt or maintain any measure with respect to the supply of all health-related professional services, including the services provided by professionals such as medical doctors, dentists, midwives, nurses, physiotherapists, paramedical personnel and psychologists (part of CPC 85201, CPC 9312 and 93191).

Existing Measures:

9.

Sector:	Professional Services
Sub-Sector:	Retail Sales of Pharmaceutical, Medical and Orthopaedic Goods, other Services provided by Pharmacists
Industry Classification:	CPC 63211
Obligations Concerned:	National Treatment (Article 7A.3) Market Access (Article 7A.5) Local Presence (Article 7A.6)
Description:	<u>Cross-Border Trade in Services</u>

The United Kingdom reserves the right to adopt or maintain any measure with respect to the supply of cross-border retail sales of pharmaceuticals and of medical and orthopaedic goods, and other services provided by pharmacists. Establishment in the United Kingdom is required for the retail of pharmaceuticals and specific medical goods to the general public in the United Kingdom.

Existing Measures:

10.

Sector: Business Services

Sub-Sector: Collection Agency Services
Credit Reporting Services

Industry Classification: CPC 87901 and 87902

Obligations Concerned: National Treatment (Article 7A.3)
Market Access (Article 7A.5)
Local Presence (Article 7A.6)

Description: Cross-Border Trade in Services

The United Kingdom reserves the right to adopt or maintain any measure with respect to the supply of collection agency services and credit reporting services.

Existing Measures:

11.

Sector: Business Services

Sub-Sector: Placement Services

Industry Classification: CPC 87202, 87204, 87205, 87206 and 87209

Obligations Concerned: National Treatment (Articles 7B.5 and 7A.3)
Market Access (Articles 7B.4.1 and 7A.5)
Local Presence (Article 7A.6)

Description: Investment and Cross-Border Trade in Services

The United Kingdom reserves the right to adopt or maintain any measure with respect to the following:

- (a) The supply of placement services of domestic help personnel, other commercial or industrial workers, nursing and other personnel (CPC 87204, 87205, 87206, 87209).
- (b) The cross-border supply of placement services of office support personnel and other workers.

Existing Measures:

12.

Sector: Business Services

Sub-Sector: Investigation Services

Industry Classification: CPC 87301

Obligations Concerned: National Treatment (Articles 7B.5 and 7A.3)
Market Access (Articles 7B.4.1 and 7A.5)
Local Presence (Article 7A.6)

Description: Investment and Cross-Border Trade in Services

The United Kingdom reserves the right to adopt or maintain any measure with respect to the supply of investigation services.

Existing Measures:

13.

Sector: Business Services

Sub-Sector: Other Business Services

Industry Classification: CPC 86764, 86769 and 8868

Obligations Concerned: National Treatment (Article 7A.3)
Most Favoured Nation Treatment (Article 7A.4)
Market Access (Article 7A.5)
Local Presence (Article 7A.6)

Description: Cross-Border Trade in Services

1. The United Kingdom reserves the right to adopt or maintain any measure with respect to the cross-border supply of maintenance and repair services in relation to the following:

- (a) rail transport equipment;
- (b) internal waterways transport vessels;
- (c) maritime vessels;
- (d) aircraft and parts thereof (part of CPC 86764, 86769 and 8868).

2. Only recognised organisations authorised by the United Kingdom may carry out statutory surveys and certification of ships on behalf of the United Kingdom. Establishment may be required.

Existing Measures: *Regulation (EC) No 391/2009 of the European Parliament and the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations as assimilated in the law of the United Kingdom by the European Union (Withdrawal) Act 2018, and as amended by The Merchant Shipping (Recognised Organisations) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/270)*

14.

Sector: All

Sub-Sector:

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)
Local Presence (Article 7A.6)

Description: Investment and Cross-Border Trade in Services

The United Kingdom reserves the right to adopt or maintain any measure with respect to audiovisual services, provided that any such measure is consistent with the United Kingdom's commitments in all committed sectors under Articles XVI and XVII of GATS and obligations in all sectors under Article II of GATS.

Existing Measures:

15.

Sector: Education Services

Sub-Sector:

Industry Classification: CPC 92

Obligations Concerned: National Treatment (Articles 7B.5 and 7A.3)
Market Access (Articles 7B.4.1 and 7A.5)
Local Presence (Article 7A.6)

Description: Investment and Cross-Border Trade in Services

The United Kingdom reserves the right to adopt or maintain any measure with respect to the following:

- (a) all educational services which receive public funding or State support in any form and are therefore not considered to be privately funded. Where the supply of privately funded education services by a foreign provider is permitted, participation of private operators in the education system may be subject to concession allocated on a non-discriminatory basis;
- (b) the supply of privately funded other education services, which means other than those classified as being primary, secondary, higher and adult education services (CPC 929).

Existing Measures:

16.

Sector: Health and Social Services

Sub-Sector:

Industry Classification: CPC 931 (other than CPC 9312 and part of CPC 93191) and CPC 933

Obligations Concerned: National Treatment (Articles 7B.5 and 7A.3)
Market Access (Articles 7B.4.1 and 7A.5)
Local Presence (Article 7A.6)

Description: The United Kingdom reserves the right to adopt or maintain any measure with respect to the following:

- (a) Health services – including hospital, ambulance, residential health services (CPC 931 other than 9312 and part of 93191)

Investment – National Treatment, Market Access

- (i) the supply of all health services which receive public funding or State support in any form, and are therefore not considered to be privately funded;
- (ii) all privately funded health services other than hospital services (CPC 9311).

The participation of private operators in the privately funded health network may be subject to concession on a non-discriminatory basis. An economic needs test may apply. Main criteria: number of and impact on existing establishments, transport infrastructure, population density, geographic spread and creation of new employment.

- (b) Health and social services, including pension insurance (CPC 931 other than 9312 and part of 93191)

Cross-Border Trade in Services – National Treatment, Market Access, Local Presence

- (i) the cross-border supply of health services, the cross-border supply of social services, as well as activities or services forming part of a public retirement plan or statutory system of social security.

Sub-entries (a) and (b) do not relate to the supply of any health-related professional services, including the services provided by professionals such as medical doctors, dentists, midwives, nurses, physiotherapists, paramedics and psychologists, which are covered by other entries.

- (c) Social services, including pension insurance

Investment – Market Access, National Treatment

- (i) the supply of all social services which receive public funding or State support in any form, and are therefore not considered to be privately funded, and activities or services forming part of a public retirement plan or statutory system of social security;
- (ii) the supply of privately funded social services other than services relating to convalescent and rest houses and old people's homes.

The participation of private operators in the privately funded social network may be subject to concession on a non-discriminatory basis. An economic needs test may apply. Main criteria: number of and impact on existing establishments, transport infrastructure, population density, geographic spread and creation of new employment.

Existing Measures:

17.

Sector: Health, Social and Education Services

Sub-Sector:

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)

Description: Investment and Cross-Border Trade in Services

1. The United Kingdom, when selling or disposing of its equity interests in, or the assets of, an existing state enterprise or an existing governmental entity providing health, social or education services, may prohibit or impose limitations on the ownership of such interests or assets, and on the ability of owners of such interests and assets to control any resulting enterprise, by investors of Korea or their investments. With respect to such a sale or other disposition, the United Kingdom may adopt or maintain any measure relating to the nationality of senior management or the nationality or residency of members of the boards of directors, as well as any measure limiting the number of suppliers.

2. For the purposes of this entry:

(a) any measure adopted or maintained after the date of entry into force of this Agreement for the United Kingdom that, at the time of the sale or other disposition, prohibits or imposes limitations on the ownership of equity interests or assets or imposes nationality or residency requirements or imposes limitations on the numbers of suppliers as described in this entry shall be deemed to be an existing measure subject to Articles 7B.12.1 (Non-Conforming Measures) and 7A.7.1 (Non-Conforming Measures); and

(b) **state enterprise** means an enterprise owned or controlled through ownership interests by the United Kingdom and includes an enterprise established after the date of entry into force of this Agreement for the United Kingdom solely for the purposes of selling or disposing of equity

interests in, or the assets of, an existing state enterprise or governmental entity.

Existing Measures:

18.

Sector: Recreational, Cultural and Sporting Services

Sub-Sector:

Industry Classification: CPC 963, 9619 and 96492

Obligations Concerned: National Treatment (Articles 7B.5 and 7A.3)
Market Access (Articles 7B.4.1 and 7A.5)
Local Presence (Article 7A.6)

Description: Investment and Cross-Border Trade in Services

The United Kingdom reserves the right to adopt or maintain any measure with respect to the following:

- (a) the supply of library, archive, museum, and other cultural services (CPC 963);
- (b) the cross-border supply of entertainment services, including theatre, live bands, circus, and discotheque services (CPC 9619);
- (c) the supply of gambling activities, which involve wagering a stake with pecuniary value in games of chance, including, in particular, lotteries, scratch cards, gambling services offered in casinos, gambling arcades or licensed premises, betting services, bingo services and gambling services operated by and for the benefit of charities or non-profit-making organisations (CPC 96492).

Existing Measures:

19.

Sector:	Transport Services
Sub-Sector:	Water Transport Services and Auxiliary Services to Water Transport
Industry Classification:	CPC 72
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) Local Presence (Article 7A.6)
Description:	1. Maritime transport and any other commercial activity undertaken from a ship <u>Investment – National Treatment, Market Access</u> <u>Cross-Border Trade in Services – National Treatment, Market Access, Local Presence</u> The United Kingdom reserves the right to adopt or maintain any measure with respect to the nationality of the crew on a seagoing or non-seagoing vessel. <u>Investment – National Treatment, Most Favoured Nation Treatment, Market Access</u> The United Kingdom reserves the right to adopt or maintain any measure with respect to registering a vessel or operating a fleet under the flag of the United Kingdom (all commercial marine activity undertaken from a seagoing ship, including fishing, aquaculture and services incidental to fishing; international passenger and freight transportation (CPC 721); and services auxiliary to maritime transport). <u>Investment – National Treatment, Most Favoured Nation Treatment, Market Access</u> <u>Cross-Border Trade in Services – National Treatment, Most Favoured Nation Treatment, Market Access, Local Presence</u> The United Kingdom reserves the right to adopt or maintain any measure with respect to the supply of maritime cabotage services. Maritime cabotage services cover: (a) transportation of passengers or goods between a port or point located in the United Kingdom

and another port or point located in the United Kingdom, including on its continental shelf as provided in the *United Nations Convention on the Law of the Sea*, done at Montego Bay, 10 December 1982; and

- (b) traffic originating and terminating in the same port or point located in the United Kingdom.

For greater certainty, this entry shall apply to related traffic in support of offshore activities.

2. Auxiliary services to maritime transport

Investment – National Treatment, Market Access
Cross-Border Trade in Services – National Treatment, Market Access, Local Presence

The United Kingdom reserves the right to adopt or maintain any measure with respect to the supply of pilotage or berthing services.

Only vessels flying the flag of the United Kingdom may provide pushing or towing services (CPC 7214).

3. Inland waterways transport and auxiliary services to inland waterways transport

Investment – National Treatment, Most Favoured Nation Treatment, Market Access
Cross-Border Trade in Services – National Treatment, Most Favoured Nation Treatment, Market Access, Local Presence

The United Kingdom reserves the right to adopt or maintain any measure with respect to inland waterways passenger and freight transportation (CPC 722), and services auxiliary to inland waterways transportation.

For greater certainty, this entry also covers the supply of cabotage transport on inland waterways (CPC 722).

Existing Measures:

20.

Sector: Transport Services

Sub-Sector: Rail Transport Services

Industry Classification: CPC 7111 and 7112

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)
Local Presence (Article 7A.6)

Description: Investment and Cross-Border Trade in Services

The United Kingdom reserves the right to adopt or maintain any measure with respect to railway passenger transportation (CPC 7111) or railway freight transportation (CPC 7112).

Existing Measures:

21.

Sector: Transport Services

Sub-Sector: Road Transport Services

Industry Classification: CPC 712

Obligations Concerned: National Treatment (Articles 7B.5 and 7A.3)
Market Access (Articles 7B.4.1 and 7A.5)
Local Presence (Article 7A.6)

Description: Investment and Cross-Border Trade in Services

The United Kingdom reserves the right to adopt or maintain any measure to require establishment or to limit the cross-border supply of road transport services (CPC 712).

An economic needs test may apply to taxi services in the United Kingdom setting a limit on the number of service suppliers. Main criterion: local demand as provided in applicable laws (CPC 71221).

Existing Measures: *Goods Vehicles (Licensing of Operators) Act 1995*

Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC as assimilated in the law of the United Kingdom by the European Union (Withdrawal) Act 2018 and as amended by The Licensing of Operators and International Road Haulage (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/708)

Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market as assimilated in the law of the United Kingdom by the European Union (Withdrawal) Act 2018 and as amended by The Licensing of Operators and International Road Haulage (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/708)

Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 as assimilated in the law of the United Kingdom by the European Union (Withdrawal) Act 2018 and as amended by The Common Rules for Access to

*the International Market for Coach and Bus Services
(Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/741)*

22.

Sector: Transport Services

Sub-Sector: Air Transport Services and Auxiliary Services 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 (Article 7B.4.1 and 7A.5)
Local Presence (Article 7A.6)

Description: 1. Space transport and rental of space craft

Investment – National Treatment, Market Access
Cross-Border Trade in Services – National Treatment, Market Access, Local Presence

The United Kingdom reserves the right to adopt or maintain any measure with respect to transportation services via space and the rental of space craft (CPC 733 and part of 734).

2. Air traffic management and air traffic control

Investment – National Treatment, Market Access

The United Kingdom reserves the right to adopt or maintain any measure with respect to:

- (a) NATS Holdings Ltd and its successors;
- (b) the exercise of statutory powers and the discharge of statutory functions and duties in relation to air traffic management and air traffic control.

3. Air services

Investment – National Treatment, Most Favoured Nation Treatment, Market Access

The United Kingdom reserves the right to adopt or maintain any measure with respect to air carriers and airports, with the exclusion of airport operation services. For greater certainty, airport operation services do not include the ownership of, or investment in, airports or airport lands, or any of the functions carried out by a board of directors.

Investment – National Treatment, Most Favoured Nation Treatment, Market Access

Cross-Border Trade in Services – National Treatment, Most Favoured Nation Treatment, Market Access, Local Presence

The United Kingdom reserves the right to adopt or maintain any measure with respect to specialty air services which governs the admission of aircraft to, departure of aircraft from, or operation of aircraft within the United Kingdom.

Existing Measures:

For air traffic management and air traffic control (paragraph 2)

Transport Act 2000

23.

Sector: Fishing, Aquaculture, Services Incidental to Fishing

Sub-Sector:

Industry Classification: ISIC Rev. 3.1 0501, 0502 and CPC 882

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)
Local Presence (Article 7A.6)

Description: Investment and Cross-Border Trade in Services

1. The United Kingdom reserves the right to adopt or maintain any measure, in particular within the framework of the United Kingdom's fisheries policy and of fishing agreements with a non-party, with respect to access to and use of the biological resources and fishing grounds situated in the maritime waters under the sovereignty or jurisdiction of the United Kingdom.

2. The United Kingdom reserves the right to adopt or maintain any measure:

- (a) to the effect that the fishing activity of fishing vessels flying its flag must have an economic link (to the extent and according to the terms specified in the measure) with the United Kingdom; and
- (b) relating to fishing vessels' eligibility to use United Kingdom fishing opportunities by reference to the nationality of the owner or owners of vessels or place of incorporation of a company.

3. The United Kingdom reserves the right to adopt or maintain any measure:

- (a) regulating the landing of catches performed in the quotas allocated to vessels of a designated non-party in ports of the United Kingdom;
- (b) determining a minimum size for a company in order to preserve both artisanal and coastal fishing vessels;

- (c) according differential treatment under any existing or future international agreements relating to fisheries;
- (d) with regard to the nationality of the crew of a fishing vessel flying the flag of the United Kingdom; or
- (e) with respect to the establishment of marine or inland aquaculture facilities.

Existing measures: *Fisheries Act 2020*

24.

Sector: Collection, Purification and Distribution of Water

Sub-Sector:

Industry Classification: ISIC Rev. 3.1 41

Obligations Concerned: National Treatment (Articles 7B.5 and 7A.3)
Market Access (Articles 7B.4.1 and 7A.5)
Local Presence (Article 7A.6)

Description: Investment and Cross-Border Trade in Services

The United Kingdom reserves the right to adopt or maintain any measure with respect to activities, including services relating to the collection, purification or distribution of water to household, industrial, commercial or other users, including the supply of drinking water and water management.

Existing Measures:

25.

Sector: Production of Energy and Related Services

Sub-Sector:

Industry Classification: ISIC Rev. 3.1 401, 402, CPC 7131 and 887 (other than advisory and consultancy services)

Obligations Concerned: National Treatment (Articles 7B.5 and 7A.3)
Market Access (Articles 7B.4.1 and 7A.5)
Local Presence (Article 7A.6)

Description: Investment and Cross-Border Trade in Services

The United Kingdom reserves the right to adopt or maintain any measure if the United Kingdom permits foreign ownership of a gas or electricity transmission system, or an oil and gas pipeline transport system, with respect to enterprises of Korea controlled by a natural person or enterprise of a non-party which accounts for more than five per cent of the United Kingdom's oil, natural gas or electricity imports, in order to guarantee the security of the energy supply of the United Kingdom. This entry shall not apply to advisory and consultancy services provided as services incidental to energy distribution.

Existing Measures:

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