

8 April 2014

The Hon Andrew Robb AO, MP  
Minister for Trade and Investment  
Parliament House  
CANBERRA ACT 2600

Dear Minister Robb

In connection with the signing on this date of the Korea-Australia Free Trade Agreement (the “Agreement”), I have the honour to confirm the following understanding reached between the delegations of the Republic of Korea and Australia during the course of negotiations regarding each Party’s Annex I entry on telecommunications services in the Agreement:

If a Party conditions the granting of a licence to supply public telecommunications services to a person of the Party in which a person of the other Party holds an equity interest on a finding that the supply of such services would serve the public interest, the Party shall ensure that it:

- (a) bases any such finding and the procedures for making such a finding on objective and transparent criteria;
- (b) employs a presumption in favour of finding that granting a licence to a person of the Party in which a person of the other Party holds an equity interest would serve the public interest; and
- (c) develops any such procedures through a rulemaking consistent with Article 9.21 (Transparency).

I have the honour to propose that this letter and your letter in reply confirming that your Government shares this understanding shall constitute an integral part of the Agreement.

Yours sincerely

Yoon Sang-jick

8 April 2014

Mr Yoon Sang-jick  
Minister of Trade, Industry and Energy  
Seoul, Republic of Korea

Dear Minister Yoon

I have the honour to acknowledge receipt of your letter of this date, which reads as follows:

In connection with the signing on this date of the Korea-Australia Free Trade Agreement, I have the honour to confirm the following understanding reached between the delegations of the Republic of Korea and Australia during the course of negotiations regarding each Party's Annex I entry on telecommunications services in the Agreement:

If a Party conditions the granting of a licence to supply public telecommunications services to a person of the Party in which a person of the other Party holds an equity interest on a finding that the supply of such services would serve the public interest, the Party shall ensure that it:

- (a) bases any such finding and the procedures for making such a finding on objective and transparent criteria;
- (b) employs a presumption in favour of finding that granting a licence to a person of the Party in which a person of the other Party holds an equity interest would serve the public interest; and
- (c) develops any such procedures through a rulemaking consistent with Article 9.21 (Transparency).

I have the honour to propose that this letter and your letter in reply confirming that your Government shares this understanding shall constitute an integral part of the Agreement.

I have the further honour to confirm that my Government shares this understanding and that your letter and this letter in reply shall constitute an integral part of the Agreement.

Yours sincerely

Andrew Robb