

Annex I

SCHEDULE OF KOREA

EXPLANATORY NOTE

1. The Schedule of Korea to this Annex sets out, pursuant to Articles 9.13 (Non-Conforming Measures) and 10.6 (Non-Conforming Measures), Korea's existing measures that are not subject to some or all of the obligations imposed by:

- (a) Article 9.3 (National Treatment) or 10.2 (National Treatment);
- (b) Article 9.4 (Most-Favored-Nation Treatment) or 10.3 (Most-Favored-Nation Treatment);
- (c) Article 10.4 (Market Access);
- (d) Article 10.5 (Local Presence);
- (e) Article 9.9 (Performance Requirements); or
- (f) Article 9.10 (Senior Management and Boards of Directors).

2. Each Schedule entry sets out the following elements:

- (a) **Sector** refers to the sector for which the entry is made;
- (b) **Obligation Concerned** specifies the obligation(s) referred to in paragraph 1 that, pursuant to Articles 9.13.1(a) (Non-Conforming Measures) and 10.6.1(a) (Non-Conforming Measures), shall not apply to the non-conforming aspects of the law, regulation, or other measures, as set out in paragraph 3;
- (c) **Measures**¹ 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 this Agreement; and
 - (ii) includes any subordinate measure adopted or maintained under the authority of and consistent with the measure; and
- (d) **Description** sets out commitments, if any, for liberalization on the date of entry into force of this Agreement, and the remaining non-conforming aspects of the measure for which the entry is made.

3. In the interpretation of a Schedule entry, all elements of the entry shall be

¹ For greater certainty, a change in the level of government at which a measure is administered or enforced does not, by itself, decrease the conformity of the measure with the obligations referred to in Article 9.13.1 and Article 10.6.1.

considered. An entry shall be interpreted in light of the relevant Articles of the Chapters against which the entry is made. To the extent that:

- (a) the **Measures** element is qualified by a liberalization commitment from the **Description** element, the **Measures** element as so qualified shall prevail over all other elements; and
- (b) the **Measures** element is not so qualified, the **Measures** element shall prevail over all other elements, unless any discrepancy between the **Measures** element and the other elements considered in their totality is so substantial and material that it would be unreasonable to conclude that the **Measures** element should prevail, in which case the other elements shall prevail to the extent of that discrepancy.

4. In accordance with Articles 9.13.1(a) (Non-Conforming Measures) and 10.6.1(a) (Non-Conforming Measures) and subject to Articles 9.13.1(c) and 10.6.1(c), the Articles of this Agreement specified in the **Obligations Concerned** element of an entry do not apply to the non-conforming aspects of the law, regulation, or other measure identified in the **Measures** element of that entry.

5. Where Korea maintains a measure that requires that a service provider be a citizen, permanent resident, or resident of its territory as a condition to the provision of a service in its territory, a Schedule entry for that measure taken with respect to Article 10.2 (National Treatment), 10.3 (Most-Favored-Nation Treatment), or 10.5 (Local Presence) shall operate as a Schedule entry with respect to Article 9.3 (National Treatment), 9.4 (Most-Favored-Nation Treatment), or 9.9 (Performance Requirements) to the extent of that measure.

6. A “foreign person” means a foreign national or an enterprise organized under the laws of another country.

7. For greater certainty, Articles 10.2 (National Treatment) and 10.5 (Local Presence) are separate disciplines and a measure that is only inconsistent with Article 10.5 (Local Presence) need not be reserved against Article 10.2 (National Treatment).

1. Sector:	Construction Services
Obligations Concerned:	Local Presence (Article 10.5)
Level of Government:	Central
Measures:	<p><i>Framework Act on the Construction Industry</i> (Law No. 14015, February 3, 2016), Articles 9 and 10</p> <p><i>Enforcement Decree of the Framework Act on the Construction Industry</i> (Presidential Decree No. 26979, February 11, 2016), Article 13</p> <p><i>Enforcement Regulations of the Framework Act on the Construction Industry</i> (Ordinance of the Ministry of Land, Infrastructure and Transport No. 289, February 12, 2016), Articles 2 and 3</p> <p><i>Information and Communications Construction Business Act</i> (Law No. 13589, December 22, 2015), Article 14</p> <p><i>Fire Fighting System Installation Business Act</i> (Law No. 13918, January 27, 2016), Articles 4 and 5</p> <p><i>Enforcement Decree of the Fire Fighting System Installation Business Act</i> (Presidential Decree No. 26915, January 19, 2016), Article 2 (Table 1)</p> <p><i>Enforcement Regulations of the Fire Fighting System Installation Business Act</i> (Ordinance of the Prime Minister No. 1247, January 27, 2016), Article 2</p>
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>A person that supplies construction services in Korea must, prior to the signing of the first contract related to such services, establish an office in Korea.</p>

2. Sector:	Leasing, Rental, Maintenance, Repair, Sales, and Disposal Services Related to Construction Machinery and Equipment
Obligations Concerned:	Local Presence (Article 10.5)
Level of Government:	Central
Measures:	<p><i>Construction Machinery Management Act</i> (Law No. 13784, January 19, 2016), Article 21</p> <p><i>Enforcement Decree of the Construction Machinery Management Act</i> (Presidential Decree No. 26844, December 31, 2015), Articles 13, 14, 15 and 15-2</p> <p><i>Enforcement Regulations of the Construction Machinery Management Act</i> (Ordinance of the Ministry of Land, Infrastructure and Transport No. 232, September 25, 2015), Articles 57 through 63, 65-2 and 65-3</p>
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>A person that supplies leasing, rental, maintenance, repair, sales, and disposal services related to construction machinery and equipment must establish an office in Korea.</p>

3. Sector:	Transportation Services - Automobile Maintenance, Repair, Sales, Disposal, and Inspection Services; Automobile License Plate Issuing Services
Obligations Concerned:	Market Access (Article 10.4) Local Presence (Article 10.5)
Level of Government:	Central
Measures:	<p><i>Automobile Management Act</i> (Law No. 13486, August 11, 2015), Articles 20, 44, 45 and 53</p> <p><i>Enforcement Regulations of the Automobile Management Act</i> (Ordinance of the Ministry of Land, Infrastructure and Transport No. 284, February 11, 2016), Articles 7, 8, 83, 87 and 111</p> <p><i>Rules on the Enforcement of Comprehensive Inspection of Automobiles, Etc.</i> (Ordinance of the Ministry of Environment No. 594, February 2, 2015), Article 16</p>
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>A person that supplies automobile management services (which includes used car sales, maintenance, repair, and disposal services) must establish an office in Korea and obtain authorization from the head of the <i>si/gun/gu</i> (municipal authorities), which is subject to an economic needs test, as appropriate.</p> <p>A person that supplies automobile inspection services that is designated as a “designated repair facility” must establish an office in Korea.</p> <p>A person that supplies license plate manufacturing, delivery, and seal services that is designated as a “license plate issuing agency” must establish an office in Korea.</p>

4. Sector:	Distribution Services - Wholesale and Retail Distribution of Tobacco and Liquor
Obligations Concerned:	Market Access (Article 10.4) Local Presence (Article 10.5)
Level of Government:	Central
Measures:	<p><i>Tobacco Business Act</i> (Law No. 11690, March 23, 2013), Articles 12, 13, and 16</p> <p><i>Enforcement Decree of the Tobacco Business Act</i> (Presidential Decree No. 24519, April 26, 2013), Articles 4 and 5</p> <p><i>Enforcement Regulations of the Tobacco Business Act</i> (Ordinance of the Ministry of Finance and Economy No. 131, March 3, 2010), Articles 5, 7 and 7-3</p> <p><i>Liquors Act</i> (Law No. 13248, March 27, 2015), Articles 8 through 10</p> <p><i>Enforcement Decree of the Liquors Act</i> (Presidential Decree No. 27056, March 25, 2016), Article 9</p> <p><i>Notice on Designation of Zone for Liquor License</i> (Notice of National Tax Service, No. 2015-21 (June 30, 2015) and <i>Notice on Sales of Liquor by Telecommunication Means</i> (Notice of National Tax Service, No. 2015-63 (December 31, 2016)</p>
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>A person that supplies tobacco wholesale (including importation) or retail distribution services must establish an office in Korea.</p> <p>Only designated tobacco retailers may sell tobacco to retail buyers. The sale of tobacco to retail buyers by mail or in electronic commerce is prohibited.</p> <p>The distance between places of business of tobacco retailers must be at least 50 meters.</p> <p>A person that supplies liquor wholesale distribution services must establish an office in Korea and obtain authorization from the head of the relevant tax office, which is subject to an economic needs test.</p> <p>The sale of liquor by telephone or in electronic commerce is prohibited.</p>

5. Sector:	Agriculture and Livestock
Obligations Concerned:	National Treatment (Article 9.3)
Level of Government:	Central
Measures:	<p><i>Foreign Investment Promotion Act</i> (Law No. 13854, January 27, 2016), Article 4</p> <p><i>Enforcement Decree of the Foreign Investment Promotion Act</i> (Presidential Decree No. 27751, December 30, 2016), Article 5</p> <p><i>Regulation on Foreign Investment</i> (Notice of the Ministry of Trade, Industry and Energy No. 2016-166, September 22, 2016), Attached table 2</p>
Description:	<p><u>Investment</u></p> <p>Foreign persons shall not: (i) invest in an enterprise engaged in rice or barley farming; or (ii) hold 50 percent or more of the equity interest of an enterprise engaged in beef cattle farming.</p>

6. Sector:	Business Services - <i>An-gyung-sa</i> (Optician and Optometry) Services
Obligations Concerned:	Market Access (Article 10.4) Local Presence (Article 10.5)
Level of Government:	Central
Measures:	<p><i>Medical Technicians, Etc. Act</i> (Law No. 14331, December 2, 2016), Article 12</p> <p><i>Enforcement Regulations of the Medical Technicians, Etc. Act</i> (Ordinance of the Ministry of Health and Welfare No. 462, December 30, 2016), Article 15</p>
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>Only a natural person that is a licensed <i>an-gyung-sa</i> (optician or optometrist) that has established an office in Korea may engage in optician or optometry services.</p> <p>An <i>an-gyung-sa</i> (optician or optometrist) shall not establish more than one office.</p>

7. Sector:	Wholesale and Retail Distribution Services
Obligations Concerned:	Market Access (Article 10.4) Local Presence (Article 10.5)
Level of Government:	Central
Measures:	<p><i>Pharmaceutical Affairs Act</i> (Law No. 13655, December 29, 2015), Articles 42 and 45</p> <p><i>Decree on the Facility Standards for Manufacturer and Importer of Pharmaceuticals</i> (Presidential Decree No. 24479, March 23, 2013), Article 6</p> <p><i>Enforcement Decree of the Pharmaceutical Affairs Act</i> (Presidential Decree No. 27673, December 13, 2016), Article 31-2</p> <p><i>Supply, Demand and Distribution of Oriental Medicinal Herbs Regulations</i> (Notice of the Ministry of Health and Welfare No. 2015-210, December 9, 2015), Articles 4 and 12</p> <p><i>Medical Devices Act</i> (Law No. 13698, December 29, 2015), Article 15</p> <p><i>Enforcement Regulations of the Medical Devices Act</i> (Ordinance of Prime Minister No. 1181, July 29, 2015), Article 29</p> <p><i>Health Functional Foods Act</i> (Law No. 13330, May 18, 2015), Article 6</p> <p><i>Enforcement Regulations of the Functional Foods Act</i> (Ordinance of the Prime Minister No. 1350, December 30, 2016), Articles 2 and 5</p> <p><i>Food Sanitation Act</i> (Law No. 13201, February 3, 2015), Articles 36 and 37</p> <p><i>Enforcement Decree of the Food Sanitation Act</i> (Presidential Decree No. 26936, January 22, 2016), Articles 23 and 24</p> <p><i>Enforcement Regulations of the Food Sanitation Act</i> (Ordinance of the Prime Minister No. 1349, January 4, 2016), Article 36 (attached table 14)</p> <p><i>Livestock Products Sanitary Control Act</i> (Law No. 14025, February 3, 2016), Articles 21, 22 and 24</p> <p><i>Enforcement Decree of the Livestock Products Sanitary Control Act</i> (Presidential Decree No. 27400, February 4, 2017), Articles 21 and 22</p> <p><i>Enforcement Regulations of the Livestock Products Sanitary Control Act</i> (Ordinance of the Prime Minister No. 1253, February 4, 2016), Article 29</p>

	<p>(attached table 10)</p> <p><i>Special Act on Imported Food Safety Management</i> (Law No. 13201, February 3, 2015), Articles 14 and 15</p> <p><i>Enforcement Decree of the Special Act on Imported Food Safety Management</i> (Presidential Decree No. 26936, February 4, 2016), Article 2</p> <p><i>Enforce Regulations of the Special Act on Imported Food Safe Management</i> (Ordinance of the Prime Minister No. 1268, March 31, 2016), Article 15</p> <p><i>Testing and Inspection of Food and Drugs Act</i> (Law No. 14020, February 3, 2016), Article 6</p> <p><i>Enforcement Regulations of the Testing and Inspection of Food and Drugs Act</i> (Ordinance of the Prime Minister No. 1236, December 31, 2015), Article 2</p> <p><i>Act on the Control of Narcotics</i> (Law No. 14019, February 3, 2016), Articles 6 and 6-2</p> <p><i>Cosmetics Act</i> (Law No. 14027, February 3, 2016), Article 3</p> <p><i>Enforcement Regulations of the Cosmetics Act</i> (Ordinance of the Prime Minister No. 1182, July 29, 2015), Article 4</p>
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>A person that supplies wholesale trade services must establish an office in Korea in order to receive an import business license to supply such services with respect to:</p> <ul style="list-style-type: none"> (a) pharmaceuticals and related items; (b) medical devices; or (c) functional foods (including dietary supplements). <p>To supply the following services a person must establish an office in Korea:</p> <ul style="list-style-type: none"> (a) transportation, sales, and preservation (cold storage) of food and food additives; (b) food supply services; (c) food inspection services;

	<p>(d) narcotic drug wholesale and retail distribution services; or</p> <p>(e) cosmetics (including functional cosmetics) supply services.</p> <p>The Minister of Health and Welfare controls the supply and demand of the wholesale distribution of imported designated <i>han-yak-jae</i> (Asian medicinal herbs).</p> <p>Certain liquor-selling bars and the wholesale and retail distribution of narcotics require authorization by the relevant authority.</p>
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8. Sector:	Retail Distribution Services of Pharmaceuticals
Obligations Concerned:	Market Access (Article 10.4) Local Presence (Article 10.5)
Level of Government:	Central
Measures:	<i>Pharmaceutical Affairs Act</i> (Law No. 13655, December 29, 2015), Articles 20 and 21 <i>Enforcement Decree on the Pharmaceutical Affairs Act</i> (Presidential Decree No. 27673, December 13, 2016) Article 22-2
Description:	<u>Cross-Border Trade in Services</u> A person that supplies pharmaceutical product retail distribution services (including distribution of <i>han-yak-jae</i> (Asian medicinal herbs)) must establish a pharmacy in Korea. That person shall not establish more than one pharmacy nor establish a pharmacy in the form of a corporation.

9. Sector:	Transportation Services - Rail Transportation and Incidental Services
Obligations Concerned:	National Treatment (Article 10.2) Market Access (Article 10.4)
Level of Government:	Central
Measures:	<p><i>Railroad Enterprise Act</i> (Law No. 13688, December 29, 2015), Articles 5, 6 and 12</p> <p><i>Korea Railroad Corporation Act</i> (Law No. 13692, December 29, 2015), Article 9</p> <p><i>Railroad Construction Act</i> (Law No.13490, August 11, 2015), Article 8</p> <p><i>Framework Act on Railroad Industry Development</i> (Law No. 11690, March 23, 2013), Articles 3, 20, 26 and 38</p> <p><i>Korea Rail Network Authority Act</i> (Law No. 12995, January 6, 2015), Article 7</p>
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>The existing regulation broadly states that only juridical persons that have obtained authorization from the Minister of Land, Infrastructure and Transport may supply railroad transportation services. In practice, however, only juridical persons of Korean nationality (of which shares are 100 percent owned by the shareholders with Korean nationality) established by a Korean national may supply railroad transportation services on railroad routes constructed on or before 30 June, 2005.</p> <p>Only juridical persons that have obtained authorization from the Minister of Land, Infrastructure and Transport may supply railroad transportation services on railroad routes constructed on or after July 1, 2005. Such authorization is subject to an economic needs test.</p> <p>Only the central or local level of government, or the Korea Rail Network Authority may supply rail construction services and maintain and repair government-owned rail facilities (including high-speed rail). However, juridical persons that meet the criteria in the <i>Private Investment in Social Infrastructure Act</i> may supply rail construction service.</p>

10. Sector:	Transportation Services - Passenger Road Transportation Services (not including Taxis and Scheduled Passenger Road Transportation Services)
Obligations Concerned:	Local Presence (Article 10.5)
Level of Government:	Central
Measures:	<p><i>Passenger Transport Service Act</i> (Law No. 13800, January 19, 2016), Article 5</p> <p><i>Enforcement Decree of the Passenger Transport Service Act</i> (Presidential Decree No. 27109, April 26, 2016), Article 3</p> <p><i>Enforcement Regulations of the Passenger Transport Service Act</i> (Ordinance of the Ministry of Land, Infrastructure and Transport No. 304, April 21, 2016), Article 11</p> <p><i>Tramway Transport Service Act</i> (Law No. 13476, August 11, 2015), Article 4</p> <p><i>Enforcement Regulations of the Tramway Transport Service Act</i> (Ordinance of the Ministry of Land, Infrastructure and Transport No. 169, December 31, 2014), Article 3</p>
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>A person that supplies passenger road transportation services, not including taxis and scheduled passenger road transportation services, must establish an office in the <i>dang-hae-ji-yeok</i> (relevant geographic area) in Korea.</p>

11. Sector:	Transportation Services - International Maritime Cargo Transportation and Maritime Auxiliary Services
Obligations Concerned:	National Treatment (Article 10.2) Market Access (Article 10.4) Local Presence(Article 10.5)
Level of Government:	Central
Measures:	<p><i>Maritime Transportation Act</i> (Law No. 13186, February 3, 2015), Articles 24 and 33</p> <p><i>Enforcement Regulations of the Maritime Transportation Act</i> (Ordinance of the Ministry of Maritime Affairs and Fisheries No. 178, December 31, 2015), Articles 16, 19, 22, and 23</p> <p><i>Pilotage Act</i> (Law No. 11690, March 23, 2013), Article 6</p> <p><i>Ship Investment Company Act</i> (Law No. 11756, April 5, 2013), Articles 3 and 31</p>
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>A person that supplies international maritime cargo transportation services must be organized as a <i>ChusikHoesa</i> (stock company) in Korea.</p> <p>A ship investment company must also be organized as a <i>ChusikHoesa</i> (stock company) in Korea.</p> <p>A person that engages in shipping brokerage services, maritime agency services and vessel maintenance services must be the company as stipulated under the <i>Korean Commercial Act</i> and registered according to the <i>Maritime Transportation Act</i>.</p> <p>Only a Korean national may supply maritime pilotage services.</p>

12. Sector:	Transportation Services - Air Transportation Services
Obligations Concerned:	National Treatment (Article 9.3) Senior Management and Boards of Directors (Article 9.10)
Level of Government:	Central
Measures:	<p><i>Aviation Act</i> (Law No. 14114, March 29, 2016), Articles 3, 6, 112, 113, 114, 132 and 135</p> <p><i>Enforcement Regulations of the Aviation Act</i> (Ordinance of the Ministry of Land, Infrastructure and Transport No. 308, May 11, 2016), Articles 14-2, 278, 278-3, 296-2, 298 and 299</p>
Description:	<p><u>Investment</u></p> <p>The following persons shall not supply scheduled or non-scheduled domestic air transportation services or supply international air transportation services as Korean air carriers:</p> <ul style="list-style-type: none"> (a) a foreign national; (b) a foreign government or a foreign <i>gong-gong-dan-che</i> (organization for public purposes); (c) an enterprise organized under foreign law; (d) an enterprise in which any of the persons referred to in subparagraphs (a) through (c) owns 50 percent or more of the equity interest, or has control; or (e) an enterprise organized under Korean law whose <i>dae-pyo-ja</i> (for example, a chief executive officer, president, or similar principal senior officer) is a foreign national or half or more of whose senior management are foreign nationals. <p>A person that owns an aircraft or is authorized to operate a chartered aircraft must register the aircraft with the Minister of Land, Infrastructure and Transport. The persons listed in subparagraphs (a) through (e) are not allowed to register an aircraft.</p>

13. Sector:	Transportation Services - Aircraft-Use Services
Obligations Concerned:	National Treatment (Article 9.3) Senior Management and Boards of Directors (Article 9.10)
Level of Government:	Central
Measures:	<i>Aviation Act</i> (Law No. 14114, March 29, 2016), Articles 3, 6 and 134 <i>Enforcement Regulations of the Aviation Act</i> (Ordinance of the Ministry of Land, Infrastructure and Transport No. 308, May 11, 2016), Articles 15-2, 298 and 299-2
Description:	<p><u>Investment</u></p> <p>A person that supplies aircraft-<i>sa-yong</i> (use) services must register its self-owned or chartered aircraft with the Minister of Land, Infrastructure and Transport.</p> <p>The following persons shall not register an aircraft:</p> <ul style="list-style-type: none"> (a) a foreign national; (b) a foreign government or a foreign <i>gong-gong-dan-che</i> (organization for public purposes); (c) an enterprise organized under foreign law; (d) an enterprise in which any of the persons referred to in subparagraphs (a) through (c) owns 50 percent or more of the equity interest, or has control; or (e) an enterprise organized under Korean law whose <i>dae-pyo-ja</i> (for example, a chief executive officer, president, or similar principal senior officer) is a foreign national or half or more of whose senior management are foreign nationals. <p>For purposes of this entry, aircraft-<i>sa-yong</i> (use) services are services using an aircraft, and supplied upon request, for hire, other than for passenger or freight transportation, including but not restricted to aerial fire-fighting, forestry fire management, aerial advertising, flight training, aerial mapping, aerial investigation, aerial spraying, aerial photographing and other aerial agricultural activities, aerial inspections, glider towing, parachute jumping, aerial construction, heli-logging and observations.</p>

14. Sector:	Transportation Services - Road Transportation Support Services
Obligations Concerned:	Market Access (Article 10.4) Local Presence (Article 10.5)
Level of Government:	Central
Measures:	<p><i>Passenger Transport Service Act</i> (Law No. 13800, January 19, 2016), Articles 36 and 37</p> <p><i>Enforcement Regulations of the Passenger Transport Service Act</i> (Ordinance of the Ministry of Land, Infrastructure and Transport No. 304, April 21, 2016), Article 73</p> <p><i>Road Traffic Act</i> (Law No. 13829, January 27, 2016), Article 36</p> <p><i>Enforcement Decree of the Road Traffic Act</i> (Presidential Decree No. 26965, February 11, 2016), Article 17</p>
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>A person that supplies bus terminal operation services, or car towing and storage services must establish a place of business in the relevant geographic area in Korea and obtain an authorization from the Minister of Land, Infrastructure and Transport, head of local police, or head of <i>shi/gun</i>, as appropriate, which is subject to an economic needs test.</p>

15. Sector:	Courier Services
Obligations Concerned:	Market Access (Article 10.4) Local Presence (Article 10.5)
Level of Government:	Central
Measures:	<p><i>Aviation Act</i> (Law No. 14114, March 29, 2016), Article 139</p> <p><i>Enforcement Regulations of the Aviation Act</i> (Ordinance of the Ministry of Land, Infrastructure and Transportation No. 308, May 11, 2016), Article 306</p> <p><i>Trucking Transport Business Act</i> (Law No. 13812, January 19, 2016), Articles 3, 24 and 29</p> <p><i>Enforcement Regulations of Trucking Transportation Business Act</i> (Ordinance of the Ministry of Land, Infrastructure and Transport No. 276, January 7, 2016), Articles 6, 34 and 41-2</p>
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>To supply international courier services that include commercial document delivery services, as specified in Article 3 of the <i>Enforcement Decree of the Postal Services Act</i>, a person must establish an office in Korea.</p> <p>In order to obtain a trucking business license from the Minister of Land, Infrastructure and Transport, a domestic courier services supplier must establish an office in the relevant geographic area. Such a license is subject to an economic needs test.</p> <p>For greater certainty, a person acquiring a domestic courier services supplier does not need to obtain a new trucking business license provided that the acquirer operates under the same terms and conditions as set out in the acquiree's license.</p>

16. Sector:	Telecommunications Services
Obligations Concerned:	National Treatment (Articles 9.3 and 10.2) Market Access (Article 10.4) Local Presence (Article 10.5)
Level of Government:	Central
Measures:	<i>Telecommunications Business Act</i> (Law No. 13823, January 27, 2016), Articles 6, 7, 8, 21 and 87 <i>Telecommunications Business Act</i> (Law No. 5385, August 28, 1997), Addenda Article 4 <i>Radio Waves Act</i> (Law No. 13012, January 20, 2015), Articles 13 and 20
Description:	<p><u>Investment and Cross-Border Trade in Services</u></p> <p>A license for facilities-based public telecommunications services or a registration for non-facilities-based public telecommunications services shall be granted only to a juridical person organized under Korean law.</p> <p>A license for facilities-based public telecommunications services shall not be granted to or held by a juridical person organized under Korean law in which a foreign government, foreign person, or deemed foreign person holds in the aggregate more than 49 percent of the juridical person's total voting shares.</p> <p>A foreign government, foreign person, or deemed foreign person shall not in the aggregate hold more than 49 percent of the total voting shares of a facilities-based supplier of public telecommunications services. In addition, with respect to KT Corporation (KT), a foreign government, foreign person, or deemed foreign person shall not be the largest shareholder of KT, except if it holds less than five percent of the total voting shares of KT.</p> <p>For Costa Rica, Honduras, Nicaragua, and Panama, no later than two years after this Agreement enters into force, Korea shall permit:</p> <ul style="list-style-type: none"> (a) a deemed foreign person to hold up to 100 percent of the total voting shares of a facilities-based supplier of public telecommunications services organized under Korean law, other than KT and SK Telecom Co., LTD (SK Telecom); and (b) a facilities-based supplier of public telecommunications services organized under Korean law in which a deemed foreign person holds up to 100 percent of its total voting shares to obtain or hold a license for facilities-based public telecommunications services.

	<p>A foreign government, or its representative, or a foreign person shall not obtain or hold a radio station license.</p> <p>A foreign person shall not supply cross-border public telecommunications services into Korea, except through a commercial arrangement with a supplier of public telecommunications services that is licensed in Korea.</p> <p>For purposes of this entry:</p> <ul style="list-style-type: none"> (a) deemed foreign person means a juridical person organized under Korean law in which a foreign government or a foreign person (including a “specially related person” under subparagraph 3 of Article 36 of the <i>Securities Exchange Act</i>) is the largest shareholder and holds 15 percent or more of that juridical person’s total voting shares, but does not include a juridical person that holds less than 1 percent of the total voting shares of a facilities-based supplier of public telecommunications services; (b) consistent with Article 5.2 of the <i>Telecommunications Business Act</i> (Law No. 13823, January 27, 2016), a facilities-based supplier is a supplier that owns transmission facilities; (c) consistent with Article 5.3 of the <i>Telecommunications Business Act</i> (Law No. 13823, January 27, 2016), a non-facilities-based supplier is a supplier that does not own transmission facilities (but may own a switch, router or multiplexer) and supplies its public telecommunication services through transmission facilities of a licensed facilities-based supplier; and (d) consistent with subparagraph 3 of Article 2 of the <i>Telecommunications Basic Act</i> (Law No. 13586, December 22, 2015), transmission facilities means wireline or wireless transmission facilities (including circuit facilities) that connect transmitting points with receiving points.
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17. Sector:	Real Estate Brokerage and Appraisal Services
Obligations Concerned:	Local Presence (Article 10.5)
Level of Government:	Central
Measures:	<p><i>Licensed Real Estate Agents Act</i> (Law No. 12374, January 28, 2014), Article 9</p> <p><i>Enforcement Decree of the Licensed Real Estate Agents Act</i> (Presidential Decree No. 26892, January 12, 2016), Article 13</p> <p><i>Enforcement Regulations of the Licensed Real Estate Agents Act</i> (Ordinance of the Ministry of Land, Infrastructure and Transport No. 173, January 6, 2015), Article 4</p> <p><i>Act on the Public Announcement of Values and Appraisal of Real Estate</i> (Law No. 12018, August 6, 2013), Article 27</p> <p><i>Enforcement Decree of the Act on Public Announcement of Values and Appraisal of Real Estate</i> (Presidential Decree No. 26632, November 11, 2015), Articles 65, 66, and 68</p> <p><i>Enforcement Regulations of the Act on Public Announcement of Values and Appraisal of Real Estate</i> (Ordinance of the Ministry of Land, Infrastructure and Transport No. 303, April 21, 2016), Articles 25 and 26</p>
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>A person that supplies real estate brokerage services or real estate appraisal services must establish an office in Korea.</p>

18. Sector:	Retail, Leasing, Rental and Repair Services Related to Medical Devices
Obligations Concerned:	Local Presence (Article 10.5)
Level of Government:	Central
Measures:	<p><i>Medical Devices Act</i> (Law No. 13698, December 29, 2015), Articles 16 and 17</p> <p><i>Enforcement Regulations of the Medical Devices Act</i> (Ordinance of the Prime Minister No. 1181, July 29, 2015), Articles 35 and 37</p>
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>A person that supplies retail, leasing, rental or repair services related to medical devices must establish an office in Korea.</p>

19. Sector:	Rental Services - Automobiles
Obligations Concerned:	Local Presence (Article 10.5)
Level of Government:	Central
Measures:	<p><i>Passenger Transport Service Act</i> (Law No. 13800, January 19, 2016), Articles 28 and 29</p> <p><i>Enforcement Regulations of the Passenger Transport Service Act</i> (Ordinance of the Ministry of Land, Infrastructure and Transport No. 304, April 21, 2016), Articles 60, 61, 62 and 64</p>
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>A person that supplies automobile rental services must establish an office in Korea.</p>

20. Sector:	Scientific Research Services
Obligations Concerned:	National Treatment (Articles 9.3 and 10.2)
Level of Government:	Central
Measures:	<p><i>Marine Scientific Research Act</i> (Law No. 12091, August 13, 2013), Articles 6, 7, and 8</p> <p><i>Territorial Sea and Contiguous Zone Act</i> (Law No. 10524, April 4, 2011), Article 5</p>
Description:	<p><u>Investment and Cross-Border Trade in Services</u></p> <p>A foreign person, a foreign government, or a Korean enterprise owned or controlled by a foreign person that intends to conduct marine scientific research (including joint research with a Korean national or a Korean enterprise) in the territorial waters or exclusive economic zone of Korea must obtain prior authorization or consent from the Minister of Oceans and Fisheries whereas a Korean national or a Korean enterprise not owned or controlled by a foreign person need only to provide notification to the Minister of Oceans and Fisheries.</p>

21. Sector:	Professional Services - Legal Services
Obligations Concerned:	Market Access (Article 10.4) Local Presence (Article 10.5)
Level of Government:	Central
Measures:	<p><i>Attorney-at-law Act</i> (Law No. 12887, December 30, 2014), Articles 4, 7, 21, 21-2, 34, 45, 58-6 and 58-22</p> <p><i>Certified Judicial Scriveners Act</i> (Law No.12885, December 30, 2014), Articles 2, 3 and 14</p> <p><i>Notary Public Act</i> (Law No.11823, May 28, 2013), Articles 10, 16 and 17</p>
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>Only a <i>byeon-ho-sa</i> (Korean-licensed lawyer) registered with the Korean Bar Association may supply legal services.</p> <p>Only a <i>byeon-ho-sa</i> (Korean-licensed lawyer) may establish the following types of legal entity: <i>beop-yool-sa-mu-so</i> (law office), <i>beop-mu-beop-in</i> (law company with the characteristics of partnership), <i>beop-mu-beop-in (yoo-han)</i> (limited liability law company), or <i>beop-mu-jo-hap</i> (limited liability partnership law office). For greater certainty, a person that is not a Korean-licensed lawyer is not permitted to invest in any of these types of legal entity.</p> <p>A <i>byeon-ho-sa</i> (Korean-licensed lawyer) or <i>beop-mu-sa</i> (Korean-certified judicial scrivener) who practices in Korea must establish an office in the jurisdiction of the district court in which he or she practices. A <i>gong-jeung-in</i> (Korean notary public) must establish an office in the jurisdiction of the district office of the public prosecutor in which he or she practices.</p> <p>This entry is subject to the commitments undertaken in the entry for Legal Services – Foreign Legal Consultants in the Schedule to Annex II.</p>

22. Sector:	Professional Services - Labor Affairs Consulting Services
Obligations Concerned:	Market Access (Article 10.4) Local Presence (Article 10.5)
Level of Government:	Central
Measures:	<p><i>Certified Labor Affairs Consultant Act</i> (Law No. 13898, January 27, 2016), Articles 5, 6, 7-2, 7-3 and 7-4</p> <p><i>Enforcement Decree of the Certified Labor Affairs Consultant Act</i> (Presidential Decree No. 27108, April 26, 2016), Articles 15 and 19-2</p> <p><i>Enforcement Regulations of the Certified Labor Affairs Consultant Act</i> (Ordinance of the Ministry of Employment and Labor No. 154, April 26, 2016), Articles 6 and 10-2</p>
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>Only a <i>gong-in-no-mu-sa</i> (Korean-licensed labor affairs consultant) registered under the <i>Certified Labor Affairs Consultant Act</i> may supply labor affairs consulting services.</p> <p>A person that supplies labor affairs consulting services must establish an office in Korea.</p> <p>For greater certainty, an enterprise that supplies labor affairs consulting services must consist of at least two <i>gong-in-no-mu-sa</i> (Korean-licensed labor affairs consultant) (including the natural person who is the founder) and must obtain authorization from the Minister of Employment and Labor.</p>

23. Sector:	Professional Services - Patent Attorney (<i>byeon-ri-sa</i>)
Obligations Concerned:	Market Access (Article 10.4) Local Presence (Article 10.5)
Level of Government:	Central
Measures:	<i>Patent Attorney Act</i> (Law No. 11962, July 30, 2013), Articles 3, 5, 6-2, and 6-3
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>Only a <i>byeon-ri-sa</i> (Korean-licensed patent attorney) who is registered with the Korean Intellectual Property Office may supply patent attorney services.</p> <p>Only a <i>byeon-ri-sa</i> (Korean-licensed patent attorney) may establish <i>agae-in-sa-mu-so</i> (sole proprietorship) or a <i>teuk-heo-beop-in</i> (patent law firm). For greater certainty, a person that is not a Korean-licensed patent attorney shall not invest in either of these types of legal entity.</p> <p>A <i>byeon-ri-sa</i> (Korean-licensed patent attorney) may establish only one office.</p>

24. Sector:	Professional Services - Accounting and Auditing Services
Obligations Concerned:	Market Access (Article 10.4) Local Presence (Article 10.5)
Level of Government:	Central
Measures:	<i>Certified Public Accountant Act</i> (Law No.13444, July 24, 2015), Articles 2, 7, 12 and 23 <i>External Audit of Stock Companies Act</i> (Law No. 12715, May 28, 2014), Article 3
Description:	<u>Cross-Border Trade in Services</u> Only a <i>gae-in-sa-mu-so</i> (sole proprietorships), <i>gam-sa-ban</i> (auditing task forces) or <i>hoe-gye-boep-in</i> (accounting corporation limited liability company) established in Korea by <i>gong-in-hoe-gye-sa</i> (Korean-certified public accountants) registered under the <i>Certified Public Accountant Act</i> may supply accounting and auditing services. For greater certainty, a person that is not a Korean-registered certified public accountant shall not invest in any of these types of legal entity. Only <i>gong-in-hoe-gye-sa</i> (Korean-certified public accountants) in an auditing task force or an accounting corporation may supply auditing services regulated under the <i>External Audit of Stock Companies Act</i> .

25. Sector:	Professional Services - Tax Accountant (<i>se-mu-sa</i>)
Obligations Concerned:	Market Access (Article 10.4) Local Presence (Article 10.5)
Level of Government:	Central
Measures:	<p><i>Certified Tax Accountant Act</i> (Law No. 14045, March 2, 2016), Articles 6, 13, 16-3, and 20</p> <p><i>Corporate Tax Act</i> (Law No. 13555, December 15, 2015), Article 60</p> <p><i>Income Tax Act</i> (Law No. 13558, December 15, 2015), Article 70</p> <p><i>Guidelines Governing the Work of Tax Agents</i> (Order of the National Tax Service No. 1761, August 24, 2009), Articles 20 and 22</p>
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>Only a <i>se-mu-sa-mu-so</i> (sole proprietorships), <i>se-mu-jo-jeong-ban</i> (tax reconciliation task forces) or, <i>se-mu-beop-in</i> (tax agency corporation limited liability company) established in Korea by <i>se-mu-sa</i> (Korean-certified tax accountants) registered under the <i>Certified Tax Accountant Act</i> may supply <i>se-mu-sa</i> (Korean-certified tax accountants) services, including tax reconciliation services and tax representative services. For greater certainty, a person that is not a Korean-registered certified tax accountant shall not invest in any of these types of legal entity.</p> <p>Only a tax reconciliation task force or a tax agency corporation may supply tax reconciliation services.</p>

26. Sector:	Professional Services - Customs Clearance Services
Obligations Concerned:	Market Access (Article 10.4) Local Presence (Article 10.5)
Level of Government:	Central
Measures:	<i>Licensed Customs Broker Act</i> (Law No. 14036, March 2, 2016), Articles 3, 7, 9, 10, 12, 17-2, 17-4, 17-8, 17-13, 19 and 25
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>Only a <i>gwan-se-sa</i> (customs broker) licensed under the <i>Licensed Customs Brokers Act</i>, a corporation incorporated by such customs brokers, or a corporation licensed to engage in the customs-clearance brokerage business under the <i>Licensed Customs Broker Act</i> may supply customs-clearance services.</p> <p>A person that supplies customs-clearance services must establish an office in Korea.</p>

27. Sector:	Engineering and Other Technical Services - Industrial Safety, Health Institution, and Consulting Services
Obligations Concerned:	Local Presence (Article 10.5)
Level of Government:	Central
Measures:	<p><i>Industrial Safety and Health Act</i> (Law No. 11862, June 4, 2013), Articles 15, 16 and 52-4</p> <p><i>Enforcement Decree of the Industrial Safety and Health Act</i> (Presidential Decree No. 26985, February 17, 2016), Articles 15-2, 15-3, 19-2 and 19-3</p> <p><i>Enforcement Regulations of the Industrial Safety and Health Act</i> (Ordinance of the Ministry of Employment and Labor No. 150, February 17, 2016), Articles 17, 18, 20, 21 and 136-8</p>
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>A person that supplies safety and health management or diagnostic services to industrial workplaces must establish an office in Korea.</p> <p>A person that supplies industrial safety or hygiene consulting services, such as evaluation and instruction on safety in a work process and evaluation and instruction on the improvement of work environments, must establish an office in Korea.</p>

28. Sector:	Engineering and Other Technical Services - Architectural Services, Engineering Services, Integrated Engineering Services, Urban Planning and Landscape Architectural Services
Obligations Concerned:	Local Presence (Article 10.5)
Level of Government:	Central
Measures:	<p><i>Certified Architects Act</i> (Law No. 13472, August 11, 2015), Article 23</p> <p><i>Enforcement Decree of the Certified Architects Act</i> (Presidential Decree No. 26975, February 11, 2016), Articles 22 and 23</p> <p><i>Enforcement Regulations of the Certified Architects Act</i> (Ordinance of the Ministry of Land, Infrastructure and Transport No. 285, February 11, 2016), Article 13</p> <p><i>Engineering Industry Promotion Act</i> (Law No. 13852, January 27, 2016), Article 21</p> <p><i>Enforcement Decree of the Engineering Industry Promotion Act</i> (Presidential Decree No. 25751, November 19, 2014), Article 33</p> <p><i>Professional Engineers Act</i> (Law No. 13705, January 6, 2016), Article 6</p> <p><i>Special Act on the Safety Control of Public Structures</i> (Law No. 13799, January 19, 2016), Article 9</p> <p><i>Enforcement Decree of the Special Act on the Safety Control of Public Structures</i> (Presidential Decree No. 27115, April 29, 2016), Article 11</p> <p><i>Construction Technology Promotion Act</i> (Law No. 13671, December 29, 2015), Article 26</p> <p><i>Enforcement Decree of the Construction Technology Promotion Act</i> (Presidential Decree No. 27176, May 17, 2016), Article 44</p> <p><i>Enforcement Regulations of the Construction Technology Promotion Act</i> (Ordinance of the Ministry of Land, Infrastructure and Transport No. 312, May 25, 2016), Article 21</p> <p><i>Environmental Testing and Inspection Act</i> (Law No. 13176, February 3, 2015), Article 16</p> <p><i>Framework Act on the Construction Industry</i> (Law No. 14015, February 3, 2016), Article 9</p>

	<p><i>Enforcement Decree of the Framework Act on the Construction Industry</i> (Law No. 27115, April 29, 2016), Article 9</p> <p><i>Act on the Establishment, Management, Etc. of Spatial Data</i> (Law No. 13426, July 24, 2015), Article 44</p> <p><i>Enforcement Decree of the Act on the Establishment, Management, Etc. of Spatial Data</i> (Presidential Decree No. 26922, January 22, 2016), Articles 34, 35, 36, 45, 46, and 47</p> <p><i>Hot Spring Act</i> (Law No. 13401, July 20, 2015), Article 7</p> <p><i>Fire Fighting System Installation Business Act</i> (Law No. 13918, January 27, 2016), Article 4</p>
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>A person that supplies architectural services, engineering services, integrated engineering services, urban planning and landscape architectural services, or surveying and map-making services (not including cadastral surveying and cadastral map-making services) must establish an office in Korea.</p> <p>For greater certainty, this entry shall not apply to the supply of services by a foreign architect through a joint contract with a Korean-licensed architect.</p>

29. Sector:	Business Services - Electronic Billboard Operator Services and Outdoor Advertisement Services
Obligations Concerned:	Performance Requirements (Article 9.9) Senior Management and Boards of Directors (Article 9.10) Local Presence (Article 10.5)
Level of Government:	Central
Measures:	<i>Broadcasting Act</i> (Law No. 13341, June 22, 2015), Articles 13 and 73 <i>Act on the Management of Outdoor Advertisements, Etc. and Promotion of Outdoor Advertisement Industry</i> (Law No. 13726, January 6, 2016), Article 11 <i>Enforcement Decree of the Outdoor Advertisements, Etc. Management Act</i> (Presidential Decree No. 26852, December 31, 2015), Articles 14 and 44
Description:	<u>Investment and Cross-Border Trade in Services</u> A foreign national or a Korean national who serves as a <i>dae-pyo-ja</i> (for example, a chief executive officer, president, or similar principal senior officer) of a foreign enterprise shall not serve as the <i>dae-pyo-ja</i> (for example, a chief executive officer, president, or similar principal senior officer) or chief programmer of an enterprise that supplies electronic billboard operator services. At least 20 percent of the electronic billboard programs must be non-commercial public advertisements provided by the central or local government. A person that supplies outdoor advertising services must establish an office in Korea.

30. Sector:	Business Services - Job Placement Services, Labor Supply and Worker Dispatch Services, and Education Services for Seafarers
Obligations Concerned:	National Treatment (Articles 9.3 and 10.2) Market Access (Article 10.4) Local Presence (Article 10.5)
Level of Government:	Central
Measures:	<p><i>Employment Security Act</i> (Law No. 13049, January 20, 2015), Articles 19 and 33</p> <p><i>Enforcement Decree of the Employment Security Act</i> (Presidential Decree No. 27123, May 3, 2016), Articles 21 and 33</p> <p><i>Enforcement Regulations of the Employment Security Act</i> (Ordinance of the Ministry of Employment and Labor No. 158, June 16, 2016), Articles 17, 18 and 36</p> <p><i>Act on the Protection, Etc. of Dispatched Workers</i> (Law No. 12470, March 18, 2014), Articles 5, 7, 8, 9 and 10</p> <p><i>Enforcement Decree of the Act on the Protection, Etc. of Dispatched Workers</i> (Presidential Decree No. 26810, December 30, 2015), Articles 2 and 3</p> <p><i>Enforcement Regulations of the Act on the Protection, Etc. of Dispatched Workers</i> (Ordinance of the Ministry of Employment and Labor No. 141, December 30, 2015), Articles 3 and 5</p> <p><i>Special Act on Designation and Management of Free Economic Zones</i> (Law No. 13837, January 27, 2016), Article 17</p> <p><i>Seafarers Act</i> (Law No. 11024, August 4, 2011), Articles 106, 109, 110, 112, 115, 116, 117, 142 and 143</p> <p><i>Korea Institute of Maritime and Fisheries Technology Act</i> (Law No. 13272, March 27, 2015), Article 5</p>
Description:	<p><u>Investment and Cross-Border Trade in Services</u></p> <p>A person that supplies job placement services for a fee, worker supply services, or worker dispatch (secondment) services must establish an office in Korea.</p> <p>For transparency purposes as of October 29, 2013 the types of business to which workers may be seconded are limited to the 32 businesses set forth in the Presidential Decree, but the Minister of Employment and Labor can</p>

	<p>expand the types of business and the secondment period, pursuant to the review and determination by the Committee of the Free Economic Zone.</p> <p>Only the Korea Seafarers Welfare and Employment Center, regional offices of the Minister of Oceans and Fisheries, a seafarer management business operator, and an organization or institution related to maritime affairs and fisheries regulated under Seafarer Act may supply seafaring labor supply services.</p> <p>To supply seafarer management business services, a person must register with the Minister of Oceans and Fisheries and be the company as stipulated under the <i>Korean Commercial Act</i>.</p> <p>Only the Korea Institute of Maritime and Fisheries Technology may provide education and training for seafarers.</p>
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31. Sector:	Investigation and Security Services
Obligations Concerned:	Market Access (Article 10.4) Local Presence (Article 10.5)
Level of Government:	Central
Measures:	<p><i>Security Services Industry Act</i> (Law No. 13814, January 26, 2016), Articles 3 and 4</p> <p><i>Enforcement Decree of the Security Services Industry Act</i> (Presidential Decree No. 26595, October 20, 2015), Articles 3 and 4</p> <p><i>Enforcement Regulations of the Security Services Industry Act</i> (Ordinance of the Ministry of Government Administration and Home Affairs, No. 36, September 24, 2015), Article 3</p>
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>Only a juridical person organized under Korean law may supply security services in Korea.</p> <p>For transparency purposes, only five types of security services are permitted in Korea:</p> <ul style="list-style-type: none"> (a) <i>shi-seol-gyung-bee</i> (facility security); (b) <i>ho-song-gyung-bee</i> (escort security); (c) <i>shin-byun-bo-ho</i> (personal security); (d) <i>gee-gye-gyung-bee</i> (mechanized security); and (e) <i>teuk-soo-gyung-bee</i> (special security).

32. Sector:	Distribution Services Related to Publications
Obligations Concerned:	National Treatment (Article 10.2)
Level of Government:	Central
Measures:	<p><i>Publishing Industry Promotion Act</i> (Law No. 13308, May 18, 2015), Articles 18, 19 and 19-3</p> <p><i>Enforcement Decree of the Publishing Industry Promotion Act</i> (Presidential Decree No. 26923, January 22, 2016), Article 12</p> <p><i>Enforcement Regulations of the Publishing Industry Promotion Act</i> (Ordinance of the Ministry of Culture, Sports and Tourism No. 242, January 22, 2016), Article 7</p>
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>Publications for the purpose of domestic distribution are subject to a review process on an <i>ad hoc</i> basis.</p>

33. Sector:	Transportation Services - Aircraft Maintenance and Repair Services
Obligations Concerned:	Local Presence (Article 10.5)
Level of Government:	Central
Measures:	<p><i>Aviation Act</i> (Law No. 14114, March 29, 2016), Articles 137, 137-2 and 138</p> <p><i>Enforcement Regulations of the Aviation Act</i> (Ordinance of the Ministry of Land, Infrastructure and Transport No. 308, May 11, 2016), Articles 16, 304 and 305</p>
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>A person that supplies aircraft maintenance and repair services must establish an office in Korea².</p>

²For greater certainty, an establishment of office in Korea is not required to supply maintenance and repair services for a Korean aircraft in the territory of the other Party.

34. Sector:	Education Services - Higher Education
Obligations Concerned:	National Treatment (Articles 9.3 and 10.2) Senior Management and Boards of Directors (Article 9.10) Market Access (Article 10.4)
Level of Government:	Central
Measures:	<p><i>Higher Education Act</i> (Law No. 14148, May 29, 2016), Articles 3, 4, 32, 42, and 43</p> <p><i>Enforcement Decree of the Higher Education Act</i> (Presidential Decree No. 26683, November 30, 2015), Article 28</p> <p><i>Private School Act</i> (Law No. 14154, May 29, 2016), Articles 3, 5, 10, and 21</p> <p><i>Enforcement Decree of the Private School Act</i> (Presidential Decree No. 24665, July 22, 2013), Article 9-3</p> <p><i>Decree for the Establishment of the Korea Air and Correspondence University</i> (Presidential Decree No. 24423, March 23, 2013), Articles 1 and 2</p>
Description:	<p><u>Investment and Cross-Border Trade in Services</u></p> <p>50 percent or more of the members of the board of directors of a private higher education institution must be Korean nationals. If a foreign person contributes 50 percent or more of the basic property of a higher education institution, only less than two-thirds of the members of the board of directors of such an institution may be foreign nationals.</p> <p>For purposes of this entry, “basic property of higher education institution” means real estate, property designated as basic property by the articles of association, property incorporated into the basic property according to decisions of the board of directors, and an annual budgetary surplus reserve of the institution.</p> <p>Only non-profit school juridical persons approved by the Minister of Education may establish higher education institutions (other than the types of institutions listed in the Schedule of Korea to Annex II) in Korea.</p> <p>The Minister of Education may restrict the total number of students per year in the fields of medicine, pharmacology, veterinary medicine, traditional Asian medicine, medical technicians, and higher education for pre-primary, primary, and secondary teachers, and higher education institution located in the Seoul Metropolitan Area.</p>

	<p>For purposes of this entry, “Seoul Metropolitan Area” includes the Seoul Metropolitan City, Incheon Metropolitan City and Gyeonggi Province.</p> <p>Only the central or local governments of Korea may establish higher education institutions for training of primary school teachers. Only the central government may establish higher education institutions that supply higher education services to the public through broadcasting.</p>
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35. Sector:	Education Services - Adult Education
Obligations Concerned:	National Treatment (Articles 9.3 and 10.2) Market Access (Article 10.4)
Level of Government:	Central
Measures:	<p><i>Act on the Establishment and Operation of Private Teaching Institutes and Extracurricular Lessons</i> (Law No. 13805, January 19, 2016), Articles 2, 2-2, and 13</p> <p><i>Enforcement Decree of the Act on the Establishment and Operation of Private Teaching Institutes and Extracurricular Lessons</i> (Presidential Decree No. 27056, March 25, 2016), Article 12</p> <p><i>Lifelong Education Act</i> (Law No. 14160, May 29, 2016), Articles 30, 33 through 38</p> <p><i>Foreign Investment Promotion Act</i> (Law No. 13854, January 27, 2016), Article 4</p> <p><i>Regulation on Foreign Investment</i> (Notice of the Ministry of Trade, Industry and Energy No. 2016-166, September 22, 2016), Attached table 1</p>
Description:	<p><u>Investment and Cross-Border Trade in Services</u></p> <p>The types of adult education institutions that a foreign person may establish in Korea are limited to:</p> <ul style="list-style-type: none"> (a) <i>hag-won</i> (private teaching institutes for adults) related to lifelong and vocational education; and (b) no later than the date this Agreement enters into force, lifelong adult education facilities operated for purposes other than recognizing educational qualifications or conferring diplomas, which include: <ul style="list-style-type: none"> (i) education facilities annexed to workplaces, non-governmental organizations, schools and media organizations; (ii) educational facilities related to the development of knowledge and human resources; and (iii) on-line lifelong education facilities, all of which are established for adults. <p>For purposes of this entry, <i>hag-won</i> (private teaching institutes for adults)</p>

	<p>are facilities that provide tutoring services on subjects related to lifelong or vocational education to ten people or more for a period of 30 days or longer.</p> <p>A foreign national hired by a private teaching institute for adults as a lecturer must possess at least a bachelor's degree or the equivalent and reside in Korea.</p>
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36. Sector:	Education Services - Vocational Competency Development Training Services
Obligations Concerned:	Local Presence (Article 10.5)
Level of Government:	Central
Measures:	<p><i>Workers' Vocational Competency Development Act</i> (Law No. 13042, January 20, 2015), Articles 28, 32 and 36</p> <p><i>Enforcement Decree of the Workers' Vocational Competency Development Act</i> (Presidential Decree No. 26810, December 30, 2015), Articles 24 and 26</p> <p><i>Enforcement Regulations of the Workers' Vocational Competency Development Act</i> (Ordinance of the Ministry of Employment and Labor No. 141, December 30, 2015), Articles 12, 14 and 18</p>
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>A person that supplies vocational competency development training services must establish an office in Korea.</p>

37. Sector:	Veterinary Services
Obligations Concerned:	Market Access (Article 10.4) Local Presence (Article 10.5)
Level of Government:	Central
Measures:	<i>Veterinary Affairs Act</i> (Law No. 13028, January 20, 2015), Articles 4, 17, 22-2, 22-4 and 22-5 <i>Civil Act</i> (Law No.13125, February 3, 2015), Article 32
Description:	<u>Cross-Border Trade in Services</u> Only a person that is a licensed <i>soo-eui-sa</i> (veterinarian) that has established an office in Korea, including <i>dong-mul-jin-ryo-bub-in</i> (animal hospital legal entity) and <i>bee-young-ri-bub-in</i> (non-profit legal entity), may engage in veterinary or aquatic animal disease inspection services.

38. Sector:	Environmental Services - Waste Water Treatment Services, Waste Management Services, Air Pollution Treatment Services, Environmental Preventive Facilities Business, Environmental Impact Assessment, Soil Remediation and Groundwater Purification Services, and Toxic Chemical Control Services
Obligations Concerned:	Local Presence (Article 10.5)
Level of Government:	Central
Measures:	<p><i>Water Quality and Aquatic Ecosystem Conservation Act</i> (Law No. 13879, January 27, 2016), Article 62</p> <p><i>Wastes Control Act</i> (Law No. 13411, July 20, 2015), Article 25</p> <p><i>Enforcement Decree of the Wastes Control Act</i> (Presidential Decree No. 26447, July 24, 2015), Article 8</p> <p><i>Clean Air Conservation Act</i> (Law No. 13874, January 27, 2016), Article 68</p> <p><i>Support for Environmental Technology and Environmental Industry Act</i> (Law No. 13892, January 27, 2016), Article 15</p> <p><i>Environmental Impact Assessment Act</i> (Law No. 13426, July 24, 2015), Article 54</p> <p><i>Soil Environment Conservation Act</i> (Law No. 13534, December 1, 2015), Article 23-7</p> <p><i>Groundwater Act</i> (Law No. 13383, June 22, 2015), Article 29-2</p> <p><i>Toxic Chemicals Control Act</i> (Law No. 13035, January 20, 2015), Article 28</p>
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>A person that supplies the environmental services listed in the Sector heading must establish an office in Korea.</p>

39. Sector:	Performance Services
Obligations Concerned:	National Treatment (Article 10.2)
Level of Government:	Central
Measures:	<p><i>Public Performance Act</i> (Law No. 13298, May 18, 2015), Articles 6 and 7</p> <p><i>Enforcement Decree of the Public Performance Act</i> (Presidential Decree No. 27170, May 17, 2016), Articles 4 and 6</p> <p><i>Enforcement Regulations of the Public Performance Act</i> (Ordinance of the Ministry of Culture, Sports and Tourism No. 94, December 25, 2011), Article 4</p> <p><i>Enforcement Regulations of the Immigration Control Act</i> (Ordinance of the Ministry of Justice No. 799, October 10, 2013), Table 5</p>
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>A foreign person who intends to engage in a public performance in Korea, or a person who intends to invite a foreign person to engage in a public performance in Korea must obtain a recommendation from the Korea Media Rating Board.</p>

40. Sector:	News Agency(<i>News-tong-sin-sa</i>) Services
Obligations Concerned:	National Treatment (Articles 9.3 and 10.2) Senior Management and Boards of Directors (Article 9.10) Market Access (Article 10.4) Local Presence (Article 10.5)
Level of Government	Central
Measures:	<i>Act on the Promotion of News Communications</i> (Law No. 11690, March 23, 2013), Articles 7, 8, 9, 9-5, 16 and 28 <i>Enforcement Decree of the Act on the Promotion of News Communications</i> (Presidential Decree No. 24183, November 20, 2012), Articles 4 and 10 <i>Radio Waves Act</i> (Law No. 11712, March 23, 2013), Article 20
Description:	<p><u>Investment and Cross-Border Trade in Services</u></p> <p>A <i>news-tong-sin-sa</i> (news agency) organized under foreign law may supply <i>news-tong-sin</i> (news communications) in Korea only under a contract with a news agency organized under Korean law which has a radio station license, such as Yonhap News.</p> <p>The following persons shall not supply news agency services in Korea:</p> <ul style="list-style-type: none"> (a) a foreign government; (b) a foreign person; (c) an enterprise organized under Korean law whose <i>dae-pyo-ja</i> (for example, a chief executive officer, president, or similar principal senior officer) is not a Korean national or is a person not domiciled in Korea; or (d) an enterprise organized under Korean law in which a foreign person holds 25 percent or more equity interest. <p>The following persons shall not serve as a <i>dae-pyo-ja</i> (for example, a chief executive officer, president, or similar principal senior officer) or editor of a news agency, or serve as <i>im-won</i> (a member of the board of directors) of Yonhap News or the News Agency Promotion Committee:</p> <ul style="list-style-type: none"> (a) a foreign national; or (b) a Korean national not domiciled in Korea. <p>A foreign news agency may establish a branch or office in Korea for the sole purpose of collecting news. For greater certainty, such branch</p>

	<p>or office shall not distribute <i>news-tong-sin</i> (news communications) in Korea.</p> <p>The following persons shall not obtain a radio station license:</p> <ul style="list-style-type: none"> (a) a foreign national; (b) a foreign government or its representative; or (c) an enterprise organized under foreign law.
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41. Sector:	Manufacturing of Biological Products
Obligations Concerned:	Performance Requirements (Article 9.9)
Level of Government:	Central
Measures:	<p><i>Pharmaceutical Affairs Act</i> (Law No. 13655, December 29, 2015), Article 42</p> <p><i>Regulations on Safety of Pharmaceuticals, Etc.</i> (Ordinance of the Prime Minister No. 1194, September 25, 2015)</p>
Description:	<p><u>Investment</u></p> <p>A person who manufactures blood products must procure raw blood materials from a blood management body in Korea.</p>

42. Sector:	Publishing of Periodicals (Excluding Newspapers)
Obligations Concerned:	National Treatment (Articles 9.3 and 10.2) Senior Management and Boards of Directors (Article 9.10) Market Access (Article 10.4) Local Presence (Article 10.5)
Level of Government:	Central
Measures:	<i>Act on the Promotion of Periodicals including Magazines</i> (Law No. 11690, March 23, 2013), Articles 20 and 29 <i>Enforcement Decree of Act on the Promotion of Periodicals including Magazines</i> (Presidential Decree No. 23807, May 23, 2012), Articles 17, 18, 19, and 20
Description:	<p><u>Investment and Cross-Border Trade in Services</u></p> <p>The publisher or the editor-in-chief of an enterprise that publishes periodicals must be a Korean national.</p> <p>The following persons shall not publish periodicals in Korea:</p> <ul style="list-style-type: none"> (a) a foreign government or a foreign person; (b) an enterprise organized under Korean law whose <i>dae-pyo-ja</i> (for example, a chief executive officer, president, or similar principal senior officer) is not a Korean national; or (c) an enterprise organized under Korean law in which a foreign person holds more than 50 percent of share or equity interest. <p>A foreign person that publishes periodicals may establish a branch or office in Korea subject to authorization from the Minister of Culture, Sports and Tourism. Such branch or office may print and distribute its periodicals in Korea in the original language, provided that such periodicals are edited in the territory of the other Party.</p>

43. Sector:	Distribution Services - Agriculture and Livestock
Obligations Concerned:	National Treatment (Articles 9.3 and 10.2) Market Access (Article 10.4)
Level of Government:	Central
Measures:	<p><i>Grain Management Act</i> (Law No. 12964, January 6, 2015), Article 12</p> <p><i>Livestock Industry Act</i> (Law No. 14481, December 27, 2016), Articles 30 and 34</p> <p><i>Seed Industry Act</i> (Law No. 13385, June 22, 2015), Article 42</p> <p><i>Feed Management Act</i> (Law No. 14481, December 27, 2016), Article 6</p> <p><i>Ginseng Industry Act</i> (Law No. 13360, June 22, 2015), Article 20</p> <p><i>Foreign Investment Promotion Act</i> (Law No. 13854, January 27, 2016), Article 4</p> <p><i>Enforcement Decree of the Foreign Investment Promotion Act</i> (Presidential Decree No. 27751, December 30, 2016), Article 5</p> <p><i>Regulation on Foreign Investment</i> (Notice of the Ministry of Trade, Industry and Energy No. 2016-166, September 22, 2016) Attached table 2</p> <p><i>Act on Distribution and Price Stabilization of Agricultural and Fishery Products</i> (Law No. 14290, December 2, 2016), Articles 15, 17 and 43</p> <p><i>Notice on TRQ Products</i> (Ministry of Agriculture, Food and Rural Affairs Notice No. 2016-168, December 21, 2016)</p>
Description:	<p><u>Investment and Cross-Border Trade in Services</u></p> <p>A foreign person shall not hold 50 percent or more of the shares or equity interest of an enterprise engaged in <i>yook-ryu</i> (meat) wholesaling.</p> <p>Only the Livestock Cooperatives under the <i>Agriculture Cooperative Act</i> may establish and manage a <i>ga-chook-sijang</i> (livestock market) in Korea.</p> <p>Only a local government may establish a <i>gong-yeong-domae-sijang</i> (public wholesale market).</p> <p>Only producers' organizations or public interest corporations prescribed in the <i>Enforcement Decree of the Act on Distribution and Price Stabilization of Agricultural and Fishery Products</i> may establish a <i>gong-pan-jang</i> (joint wholesale market).</p>

	For greater certainty, Articles 10.2 (National Treatment) and 10.4 (Market Access) do not prevent Korea from adopting or maintaining any measures with respect to the administration of WTO Tariff-Rate-Quota.
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44. Sector:	Energy Industry - Electric Power Generation Other Than Nuclear Power Generation; Electric Power Transmission, Distribution and Sales
Obligations Concerned:	National Treatment (Article 9.3) ³
Level of Government:	Central
Measures:	<p><i>Financial Investment Services and Capital Markets Act</i> (Law No. 14130, March 29, 2016), Article 168</p> <p><i>Enforcement Decree of Financial Investment Services and Capital Markets Act</i> (Presidential Decree No. 27037, March 11, 2016), Article 187</p> <p><i>Foreign Investment Promotion Act</i> (Law No. 13854, January 27, 2016), Article 4</p> <p><i>Enforcement Decree of the Foreign Investment Promotion Act</i>, (Presidential Decree No.27751, December 30, 2016), Article 5</p> <p><i>Public Notice for Foreign Investment and Technology Import</i> (No. 2015-142, July 13, 2015, Ministry of Trade, Industry and Energy), Appendix 2</p> <p><i>Designation of Public Corporation</i> (Notice of Ministry of Finance and Economy, No. 2000-17, September 28, 2000)</p> <p><i>Regulation on Supervision of Securities Business</i> (Financial Supervisory Commission Notice No. 2007-3, January 19, 2007), Sec. 7-6</p>
Description:	<p><u>Investment</u></p> <p>The aggregate foreign share of KEPCO's issued stocks shall not exceed 40 percent. A foreign person shall not become the largest shareholder of KEPCO.</p> <p>The aggregate foreign share of power generation facilities, including cogeneration facilities of heat and power (GHP) for the district heating system (DHS), shall not exceed 30 percent of the total facilities in the territory of Korea.</p> <p>The aggregate foreign share of electric power transmission, distribution and sales businesses should be less than 50 percent. A foreign person shall not be the largest shareholder.</p>

³Paragraph (a) of the eighth entry of Korea's Schedule to Annex II shall not apply to this entry.
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45. Sector:	Energy Industry - Gas Industry
Obligations Concerned:	National Treatment (Article 9.3) ⁴
Level of Government:	Central
Measures:	<p><i>Act on the Improvement of Managerial Structure and Privatization of Public Enterprises</i> (Law No. 11845, May 28. 2013), Article 19</p> <p><i>Financial Investment Services and Capital Markets Act</i> (Law No. 14130, March 29, 2016), Article 168</p> <p><i>Articles of Incorporation of the Korea Gas Corporation</i> (June 23, 2015), Article 11</p>
Description:	<p><u>Investment</u></p> <p>Foreign persons, in the aggregate, shall not own more than 30 percent of the equity of KOGAS.</p>

⁴ Paragraph (a) of the eighth entry of Korea's Schedule to Annex II shall not apply to this entry.

46. Sector:	Recreational, Cultural, and Sporting Services - Motion Picture Projection Services
Obligations Concerned:	Performance Requirements (Article 9.9) Market Access (Article 10.4)
Level of Government:	Central
Measures:	<i>Act on Promotion of Motion Pictures and Video Products</i> (Law No.11902, July 16, 2013), Articles 2, 27, and 40 <i>Enforcement Decree of the Act on Promotion of Motion Pictures and Video Products</i> (Presidential Decree No. 24036, August 13, 2012), Article 19
Description:	<u>Investment and Cross-Border Trade in Services</u> Cinema operators must project Korean motion pictures for at least 73 days per year at each screen in Korea.