

ANNEX II

SCHEDULE OF THE REPUBLIC OF KOREA

EXPLANATORY NOTE

1. The Schedule of Korea to this Annex sets out, pursuant to Articles 9.12 (Non-Conforming Measures) and 10.6 (Non-Conforming Measures), the specific sectors, subsectors, or activities for which Korea may maintain existing, or adopt new or more restrictive, measures that do not conform with obligations imposed by:
 - (a) Article 9.3 (National Treatment) or 10.2 (National Treatment);
 - (b) Article 9.4 (Most-Favoured-Nation Treatment) or 10.3 (Most-Favoured-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 9.12.3 and 10.6.3, shall not apply to sectors, subsectors, or activities set out in the Schedule;
 - (c) **Description** sets out the scope of the sectors, subsectors, or activities covered by the entry; and
 - (d) **Existing Measures** identifies, for transparency purposes, existing measures that apply to the sectors, subsectors, or activities covered by the entry.
3. In accordance with Articles 9.12.3 and 10.6.3, the Articles of this Agreement specified in the **Obligations Concerned** element of an entry shall not apply to the sectors, subsectors, and activities identified in the **Description** element of that entry.
4. A **foreign person** means a foreign national or an enterprise organized under the laws of another country.
5. The Schedule contained in this Annex is without prejudice to Korea's position on the

supply of services that were not technically feasible at the time of entry into force of this Agreement, and the supply of new services other than those classified positively and explicitly in UN CPC provisional code.

6. For greater certainty, in accordance with Article 10.1.3, a Schedule entry for a non-conforming measure with respect to Article 10.4 (Market Access) shall also apply to measures adopted or maintained by Korea affecting the supply of a service in its territory through commercial presence, notwithstanding the heading of the Description element.

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: All Sectors

Obligations Concerned: National Treatment (Article 9.3)
Performance Requirements (Article 9.9)

Description: Investment

Korea reserves the right to adopt, with respect to the establishment or acquisition of an investment, any measure that is necessary for the maintenance of public order pursuant to Article 4 of the *Foreign Investment Promotion Act* (2019) and Article 5 of the *Enforcement Decree of the Foreign Investment Promotion Act* (2018), provided that Korea promptly provides written notice to the other party that it has adopted such a measure and that the measure:

- (a) is applied in accordance with the procedural requirements set out in the *Foreign Investment Promotion Act* (2019), *Enforcement Decree of the Foreign Investment Promotion Act* (2018), and other applicable law;
- (b) is adopted or maintained only where the investment poses a genuine and sufficiently serious threat to the fundamental interests of society;
- (c) is not applied in an arbitrary or unjustifiable manner;
- (d) does not constitute a disguised restriction on investment; and
- (e) is proportional to the objective it seeks to achieve.

Existing Measures: *Foreign Investment Promotion Act* (Law No. 16479, August 20, 2019), Article 4

Enforcement Decree of the Foreign Investment Promotion Act (Presidential Decree No. 30170, October 29, 2019) Article 5

2. Sector:	All Sectors
Obligations Concerned:	National Treatment (Articles 9.3 and 10.2) Performance Requirements (Article 9.9) Senior Management and Boards of Directors (Article 9.10) Local Presence (Article 10.5)
Description:	<p><u>Investment</u></p> <p>Korea reserves the right to adopt or maintain any measure with respect to the transfer or disposition of equity interests or assets held by state enterprises or governmental authorities.</p> <p>Such a measure shall be implemented in accordance with the provisions of Chapter 16 (Transparency).</p> <p>This entry shall not apply to former private enterprises that are owned by the state as a result of corporate reorganization processes.</p> <p>For the purposes of this entry:</p> <p>A state enterprise shall include any enterprise created for the sole purpose of selling or disposing of equity interests or assets of state enterprise or governmental authorities.</p> <p><u>Cross-Border Trade in Services and Investment</u></p> <p>Without prejudice to Korea's commitments undertaken in Annex I and Annex II, Korea reserves the right to adopt or maintain any measure with respect to the transfer to the private sector of all or any portion of services provided in the exercise of governmental authority.</p>
Existing Measures:	<i>Financial Investment Services and Capital Markets Act</i> (Law No. 16191, December 31, 2018), Article 168

3. Sector:	All sectors
Obligations Concerned:	National Treatment (Articles 9.3 and 10.2) Most-Favoured-Nation Treatment (Articles 9.4 and 10.3) Market Access (Article 10.4) Local Presence (Article 10.5) Performance Requirements (Article 9.9) Senior Management and Boards of Directors (Article 9.10)
Description:	<u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure with respect to the defense industry. Foreign investors (stipulated in Article 2 of the <i>Foreign Investment Promotion Act</i>) who intend to acquire the outstanding shares of a defense industry company (enterprises stipulated in Article 3 of the <i>Defense Acquisition Program Act</i>) other than the newly issued ones shall obtain a prior permission from the Minister of Trade, Industry and Energy.
Existing Measures:	<i>Foreign Investment Promotion Act</i> (Law No. 16479, August 20, 2019), Article 6 <i>Defense Acquisition Program Act</i> (Law No. 15344, January 16, 2018), Article 35

4. Sector: Acquisition of Land

Obligations Concerned: National Treatment (Article 9.3)

Description: Investment

Korea reserves the right to adopt or maintain any measure with respect to the acquisition of land by foreign persons, except that a juridical person shall continue to be permitted to acquire land where the juridical person:

- (a) is not deemed foreign under Article 2 of the *Act on Report on Real Estate Transactions, Etc.*, and
- (b) is deemed foreign under the *Act on Report on Real Estate Transactions, Etc.* or is a branch of a foreign juridical person subject to approval or notification in accordance with the *Act on Report on Real Estate Transactions, Etc.*, if the land is to be used for any of the following legitimate business purposes:
 - (i) land used for ordinary business activities;
 - (ii) land used for housing for senior management; and
 - (iii) land used for fulfilling land-holding requirements stipulated by pertinent laws.

Korea reserves the right to adopt or maintain any measure with respect to the acquisition of farmland by foreign persons.

Existing Measures: *Act on Report on Real Estate Transactions, Etc.* (Law No. 13797, January 19, 2016), Articles 2, 3, 7, 8, 9 and 11

Farmland Act (Law No. 16073, December 24, 2018), Article 6

5. Sector:	Firearms, Swords, Explosives, and Similar Items
Obligations Concerned:	National Treatment (Articles 9.3 and 10.2) Performance Requirements (Article 9.9) Senior Management and Boards of Directors (Article 9.10) Local Presence (Article 10.5)
Description:	<u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure with respect to the firearms, swords, explosives, gas sprays, electric shocks, and crossbows sector, including the manufacture, use, sale, storage, transport, import, export, and possession of firearms, swords, explosives, gas sprays, electric shocks, and crossbows.

6. Sector:	Disadvantaged Groups
Obligations Concerned:	National Treatment (Articles 9.3 and 10.2) Most-Favoured-Nation Treatment (Articles 9.4 and 10.3) Performance Requirements (Article 9.9) Senior Management and Boards of Directors (Article 9.10) Local Presence (Article 10.5)
Description:	<u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure that accords rights or preferences to socially or economically disadvantaged groups, such as the disabled, persons who have rendered distinguished services to the state, and ethnic minorities.

7. Sector:	State-Owned National Electronic/Information System
Obligations Concerned:	National Treatment (Articles 9.3 and 10.2) Local Presence (Article 10.5) Performance Requirements (Article 9.9) Senior Management and Boards of Directors (Article 9.10)
Description:	<u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure affecting the administration and operation of any state-owned electronic information system that contains proprietary government information or information gathered pursuant to the regulatory functions and powers of the government.
Existing Measures:	<i>Act on the Establishment, Management, etc. of Spatial Data</i> (Law No. 13796, January 19, 2016), Articles 16, 21 <i>Enforcement Decree of the Act on the Establishment, Management, etc. of Spatial Data</i> (Presidential Decree No. 29617, March 12, 2019), Article 16

8. Sector: Social Services

Obligations Concerned: National Treatment (Articles 9.3 and 10.2)
Most-Favoured-Nation Treatment (Articles 9.4 and 10.3)
Local Presence (Article 10.5)
Performance Requirements (Article 9.9)
Senior Management and Boards of Directors (Article 9.10)

Description: Cross-Border Trade in Services and Investment

Korea reserves the right to adopt or maintain any measure with respect to the provision of law enforcement and correctional services, and the following services to the extent that they are social services established or maintained for public purposes: income security or insurance, social security or insurance, social welfare, public training; public utilities; public transport; public housing; health; and child care.

9. Sector:	All Sectors
Obligations Concerned:	Market Access (Article 10.4)
Description:	<u>Cross-Border Trade in Services</u>

Korea reserves the right to adopt or maintain any measure that is not inconsistent with Korea's obligations under Article XVI of GATS as set out in Korea's Schedule of Specific Commitments under the GATS (GATS/SC/48, GATS/SC/48/Suppl.1, GATS/SC/48/Suppl.1/Rev.1, GATS/SC/48/Suppl.2, GATS/SC/48/Suppl.3, and GATS/SC/48/Suppl.3/Rev.1) .

For the purposes of this entry only, Korea's Schedule is subject to the following modifications:

- (a) for any sector and subsector with regard to which Korea's Annex I contains an entry (other than an entry with regard to "All Sectors") that does not list Market Access as one in the Obligations Concerned element, "None" is inscribed in the Market Access column for modes 1, 2, and 3, and "Unbound except as indicated in the Horizontal commitments section" is inscribed for mode 4;
- (b) for any sector and subsector with regard to which Korea's Annex I contains an entry (other than an entry with regard to "All Sectors") that lists a limitation to the Market Access obligation, that limitation is inscribed in the Market Access column with regard to the appropriate mode of supply; and
- (c) for any sector and subsector listed in Appendix II-A, Korea's Schedule is modified as indicated in the Appendix II-A.

These modifications shall not affect any limitation relating to subparagraph (f) of paragraph 2 of Article XVI of GATS inscribed in the Market Access column of Korea's Schedule.

For greater certainty, an entry of "None" in the Market Access column of Korea's Schedule shall not be construed to alter the application of Article 10.5 (Local Presence) as modified by Article 10.6 (Non-Conforming Measures).

10. Sector:	All Sectors
Obligations Concerned:	Most-Favoured-Nation Treatment (Articles 9.4 and 10.3)
Description:	<u>Cross-Border Trade in Services and Investment</u>

Korea reserves the right to adopt or maintain any measure that accords differential treatment to countries under any bilateral or multilateral international agreement in force or signed prior to the date of entry into force of this Agreement.

Korea reserves the right to adopt or maintain any measure that accords differential treatment to countries under any bilateral or multilateral international agreement in force or signed after the date of entry into force of this Agreement involving:

- (a) aviation;
- (b) fisheries;
- (c) maritime matters, including salvage;
- (d) telecommunication services; or
- (e) railroad transportation.

11. Sector:	Communication Services - Broadcasting Services
Obligations Concerned:	Most-Favoured-Nation Treatment (Articles 9.4 and 10.3)
Description:	<u>Cross-Border Trade in Services and Investment</u>

Korea reserves the right to adopt or maintain any measure that accords differential treatment to persons of other countries due to the application of reciprocity measures or through international agreements involving sharing of the radio spectrum, guaranteeing market access, or national treatment with respect to the one-way satellite transmission of direct-to-home (DTH) and direct broadcasting satellite (DBS) television services and digital audio services.

12. Sector: Environmental Services - Treatment and Supply Services for Potable Water; Collection and Treatment Services for Municipal Sewage; Collection, Transportation, and Disposal Services for Municipal Refuse; Sanitation and Similar Services; Nature and Landscape Protection Services (Except for Environmental Impact Assessment Services)

Obligations Concerned: National Treatment (Articles 9.3 and 10.2)
Performance Requirements (Article 9.9)
Local Presence (Article 10.5)

Description: Cross-Border Trade in Services and Investment

Korea reserves the right to adopt or maintain any measure with respect to the following environmental services: treatment and supply of potable water; collection and treatment of municipal sewage; collection, transportation, and disposal of municipal refuse; sanitation and similar services; and nature and landscape protection services (except for environmental impact assessment services).

This entry shall not apply to the supply of the aforementioned services pursuant to a contract between private parties, to the extent private supply of such services is permitted under relevant laws and regulations.

13. Sector:	Energy – Atomic Energy, Electric Power, and Gas Energy
Obligations Concerned:	National Treatment (Articles 9.3 and 10.2) Performance Requirements (Article 9.9) Senior Management and Boards of Directors (Article 9.10) Local Presence (Article 10.5)
Description:	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>1. Korea reserves the right to adopt or maintain any measure with respect to the atomic energy industry such as nuclear power generation; manufacturing and supply of nuclear fuel; nuclear materials; radioactive waste treatment and disposal (including treatment and disposal of spent and irradiated nuclear fuel); radioisotope and radiation generation facilities; monitoring services for radiation; services related to nuclear energy; planning, maintenance, and repair services.</p> <p>2. Korea reserves the right to adopt or maintain any measure with respect to electric power generation, transmission, distribution, and sales.</p> <p>Any such measure shall not decrease the level of foreign ownership permitted in the electric power industry as provided by the entry in Korea’s Schedule to Annex I related to Energy Industry - Electric Power Generation Other Than Nuclear Power Generation; Electric Power Transmission, Distribution and Sales.</p> <p>Notwithstanding this entry, Korea shall not adopt or maintain any measure inconsistent with Article 9.9.1(f) (Performance Requirement – requirement to transfer a particular technology, a production process, or another proprietary knowledge to a person in its territory).</p> <p>3. Korea reserves the right to adopt or maintain any measure with respect to the import and wholesale distribution of natural gas and the operation of terminals and the national high pressure pipeline network.</p> <p>Any such measure shall not decrease the level of foreign ownership permitted in the gas industry as provided by the entry in Korea’s Schedule to Annex I related to Energy Industry - Gas Industry.</p>

14. Sector:	Distribution Services - Commission Agents' Services, Wholesaling and Retailing of Agricultural Raw Materials and Live Animals (<i>nong chuk san mul</i>)
Obligations Concerned:	National Treatment (Articles 9.3 and 10.2) Performance Requirements (Article 9.9) Local Presence (Article 10.5)
Description:	<u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure with respect to: <ul style="list-style-type: none"> (a) commission agents' services of agricultural raw materials, live animals, food products, beverage; (b) wholesaling trade services of grain, meat, poultry, grain powder, ginseng, red ginseng, fertilizers; and (c) retail services of rice, ginseng and red ginseng.

15. Sector: Manufacturing of Liquor

Obligations Concerned: Performance Requirements (Article 9.9)

Description: Investment

Korea reserves the right to adopt or maintain any measure with respect to manufacturing of liquor.

16. Sector: Transportation Services - Passenger Road Transportation Services (Taxi Services and Scheduled Passenger Road Transportation Services), Freight Road Transportation Services (not including Road Transportation Services Related to Courier Services), Internal Waterways Transportation Services and Space Transportation Services

Obligations Concerned: National Treatment (Articles 9.3 and 10.2)
Most-Favoured-Nation Treatment (Articles 9.4 and 10.3)
Performance Requirements (Article 9.9)
Senior Management and Boards of Directors (Article 9.10)
Local Presence (Article 10.5)

Description: Cross-Border Trade in Services and Investment

1. Korea reserves the right to adopt or maintain any measure with respect to taxi services and scheduled passenger road transportation services.

2. Korea reserves the right to adopt or maintain any measure with respect to freight road transportation services, not including road transportation of containerized freight (excluding cabotage) by international shipping companies and road transportation services related to courier services regarding Most-Favoured-Nation Treatment (MFN), Performance Requirements (PR), Senior Management and Boards of Directors (SMBD), and Local Presence (LP) obligations.

3. Korea reserves the right to adopt or maintain any measure with respect to internal waterways transportation services and space transportation services.

17. Sector: Transportation Services - Storage and Warehousing Services

Obligations Concerned: National Treatment (Articles 9.3 and 10.2)

Description: Cross-Border Trade in Services and Investment

Korea reserves the right to adopt or maintain any measure with respect to storage and warehousing services related to agricultural and livestock products.

18. Sector:	Communication Services - Non-monopoly Postal Services
Obligations Concerned:	National Treatment (Articles 9.3 and 10.2) Most-Favoured-Nation Treatment (Articles 9.4 and 10.3) Market Access (Article 10.4) Local Presence (Article 10.5)
Description:	<u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure with respect to the Minister of Science and ICT not needing authorization from the Minister of Land, Infrastructure and Transport in determining the total number of vehicles that may belong to the Ministry of Science and ICT and allocating the vehicles to post offices. The Korean Postal Authority reserves exclusive rights for collecting, processing and delivering domestic and international letters. The exclusive rights of the Korean Postal Authority include the right of access to its postal network and operation thereof.
Existing Measures:	<i>Postal Service Act</i> (Law No. 13584, December 22, 2015) <i>Regulations on Management of Common-Purpose Motor Vehicles</i> (Presidential Decree No. 28211, July 26, 2017) <i>Foreign Investment Promotion Act</i> (Law No. 16479, August 20, 2019), Article 4

19. Sector:	Communication Services - Broadcasting Services
Obligations Concerned:	National Treatment (Articles 9.3 and 10.2) Most-Favoured-Nation Treatment (Articles 9.4, 10.3) Performance Requirements (Article 9.9) Senior Management and Boards of Directors (Article 9.10) Market Access (Article 10.4) Local Presence (Article 10.5)
Description:	<u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure relating to broadcasting services.

20. Sector: Communication Services - Broadcasting and Telecommunications Services

Obligations Concerned: National Treatment (Articles 9.3 and 10.2)
Most-Favoured-Nation Treatment (Articles 9.4 and 10.3)
Performance Requirements (Article 9.9)
Senior Management and Boards of Directors (Article 9.10)
Market Access (Article 10.4)
Local Presence (Article 10.5)

Description: Cross-Border Trade in Services and Investment

Korea reserves the right to adopt or maintain any measure with respect to subscription-based video services.

For the purposes of this entry, **subscription-based video services** means subscription-based video services that are supplied to end-users over dedicated transmission capacity that the supplier owns or controls (including by leasing) and includes Internet Protocol-based Television (IPTV) and Interactive Broadcasting.

21. Sector: Communication Services - Broadcasting and Audio-Visual Services

Obligations Concerned: Most Favoured-Nation Treatment (Articles 9.4 and 10.3)
Performance Requirements (Article 9.9)

Description: Cross-Border Trade in Services and Investment

Korea reserves the right to adopt or maintain any preferential co-production arrangement for film or television productions. Official co-production status, which may be granted to a co-production produced under such a co-production arrangement, confers national treatment on works covered by a co-production arrangement.

Existing Measures: *Act on Promotion of Motion Pictures and Video Products* (Law No. 11902, July 16, 2013)

Notice on Programming (Korea Communications Commission Notice No. 2019-8, June 17, 2019)

22. Sector:	Communication Services - Broadcasting and Audio-Visual Services
Obligations Concerned:	National Treatment (Articles 9.3 and 10.2) Performance Requirements (Article 9.9)
Description:	<u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure setting criteria for determining whether broadcasting or audio-visual programs are Korean.
Existing Measures:	<i>Act on Promotion of Motion Pictures and Video Products</i> (Law No. 11902, July 16, 2013), Articles 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), Articles 10 and 19 <i>Enforcement Regulations of the Act on Promotion of Motion Pictures and Video Products</i> (Ordinance of the Ministry of Culture, Sports and Tourism No.128, August 17, 2012) <i>Notice on Programming</i> (Korea Communications Commission Notice No. 2019-8, June 17, 2019)

23. Sector: Business Services - Real Estate Services (not including Real Estate Brokerage and Appraisal Services)

Obligations Concerned: National Treatment (Articles 9.3 and 10.2)
Performance Requirements (Article 9.9)
Local Presence (Article 10.5)

Description: Cross-Border Trade in Services and Investment

Korea reserves the right to adopt or maintain any measure with respect to real estate development, supply, management, sale, and rental services, except for brokerage and appraisal services.

24. Sector:	Business Services - Cadastral Surveying Services and Cadastral Map-Making Services
Obligations Concerned:	National Treatment (Articles 9.3 and 10.2)
Description:	<u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure with respect to cadastral surveying services and cadastral map related services.

25. Sector: Business and Environmental Services - Examination, Certification, and Classification of Agricultural Raw Materials and Live Animals (*nong chuk san mul*)

Obligations Concerned: National Treatment (Articles 9.3 and 10.2)
Local Presence (Article 10.5)

Description: Cross-Border Trade in Services and Investment

Korea reserves the right to adopt or maintain any measure with respect to examination, certification, and classification of agricultural raw materials and live animal products.

26. Sector: Business Services - Services Incidental to Agriculture, Hunting, Forestry and Fishing

Obligations Concerned: National Treatment (Articles 9.3 and 10.2)
Performance Requirements (Article 9.9)
Senior Management and Boards of Directors (Article 9.10)
Local Presence (Article 10.5)

Description: Cross-Border Trade in Services and Investment

Korea reserves the right to adopt or maintain any measure with respect to services incidental to agriculture, forestry, and livestock, including genetic improvement, artificial insemination, rice and barley polishing, and activities related to a rice processing complex.

Korea reserves the right to adopt or maintain any measure with respect to the supply of services incidental to agriculture, hunting, forestry, and fishing by the Agricultural Cooperatives, the Forestry Cooperatives, and the Fisheries Cooperatives.

27. Sector: Fishing

Obligations Concerned: National Treatment (Article 9.3)

Description: Investment

Korea reserves the right to adopt or maintain any measure with respect to fishing activities in Korea's territorial waters and Exclusive Economic Zone.

28. Sector:	Publishing of Newspapers
Obligations Concerned:	National Treatment (Articles 9.3 and 10.2) Senior Management and Boards of Directors (Article 9.10) Local Presence (Article 10.5)
Description:	<u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure with respect to the publishing (including printing and distribution) of newspapers.
Existing Measures:	<i>Act on the Promotion of Newspapers, Etc.</i> (Law No. 11690, March 23, 2013) <i>Enforcement Decree of the Act on the Promotion of Newspapers, Etc.</i> (Presidential Decree No. 22151, May 4, 2010)

29. Sector:	Education Services - Pre-Primary, Primary, Secondary, Higher, Adult and Other Education
Obligations Concerned:	National Treatment (Articles 9.3 and 10.2) Most-Favoured-Nation Treatment (Articles 9.4 and 10.3) Performance Requirements (Article 9.9) Senior Management and Boards of Directors (Article 9.10) Local Presence (Article 10.5)
Description:	<u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure with respect to pre-primary, primary, and secondary education; health and medicine-related higher education; higher education for prospective pre-primary, primary, and secondary teachers; professional graduate education in law; graduate school universities; distance education at all education levels; and other education services.

30. Sector:	Social Services - Human Health Services
Obligations Concerned:	National Treatment (Articles 9.3 and 10.2) Most-Favoured-Nation Treatment (Articles 9.4 and 10.3) Performance Requirements (Article 9.9) Senior Management and Boards of Directors (Article 9.10) Local Presence (Article 10.5)
Description:	<u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure with respect to human health services.

31. Sector:	Recreational, Cultural, and Sporting Services - Motion Picture Promotion, Advertising, or Post-Production Services, and Museum and Other Cultural Services
Obligations Concerned:	National Treatment (Articles 9.3 and 10.2) Most-Favoured-Nation Treatment (Articles 9.4 and 10.3) Performance Requirements (Article 9.9) Local Presence (Article 10.5) Senior Management and Boards of Directors (Article 9.10)
Description:	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>1. Korea reserves the right to adopt or maintain any measure with respect to motion picture promotion, advertising, or post-production services regarding National Treatment (NT), Most-Favoured-Nation Treatment (MFN), Performance Requirements (PR), and Local Presence (LP) obligations.</p> <p>2. Korea reserves the right to adopt or maintain any measure with respect to the conservation and restoration of cultural heritage and properties, including the excavation, appraisal, or dealing of cultural heritage and properties regarding National Treatment (NT), Performance Requirements (PR), Senior Management and Boards of Directors (SMBD), and Local Presence (LP) obligations.</p>
Existing Measures:	<p><i>Act on Promotion of Motion Pictures and Video Products</i> (Law No. 11902, July 16, 2013)</p> <p><i>Enforcement Decree of the Act on Promotion of Motion Pictures and Video Products</i> (Presidential Decree No. 24036, August 13, 2012)</p> <p><i>Cultural Heritage Protection Act</i> (Law No. 11228, January 26, 2012)</p> <p><i>Enforcement Decree of the Cultural Heritage Protection Act</i> (Presidential Decree No. 23862, June 19, 2012)</p> <p><i>Archaeological Heritage Protection and Survey Act</i> (Law No. 10882, July 21 2011)</p> <p><i>Enforcement Regulations of the Archaeological Heritage Protection and Survey Act</i> (Ordinance of the Ministry of Culture, Sports and Tourism No. 78, February 16, 2011)</p>

Act on the Cultural Heritage Repair, Etc (Law No. 11530,
December 11, 2012)

32. Sector: Other Recreational Services

Obligations Concerned: National Treatment (Article 9.3)

Description: Investment

Korea reserves the right to adopt or maintain any measure with respect to tourism in rural, fishery, and agricultural sites.

33. Sector:	Gambling and Betting Services
Obligations Concerned:	National Treatment (Articles 9.3 and 10.2) Most-Favoured-Nation Treatment (Articles 9.4 and 10.3) Local Presence (Article 10.5) Performance Requirements (Article 9.9) Senior Management and Boards of Directors (Article 9.10)
Description:	<u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure with respect to gambling and betting services. For greater certainty, gambling and betting includes such services supplied through electronic transmission and services that use <i>sa-haeng-seong-ge-im-mul</i> . <i>Sa-haeng-seong-ge-im-mul</i> , as defined in Article 2 of Korea's Game Industry Promotion Act, includes, inter alia, gaming instruments which result in financial loss or gain through betting or by chance.
Existing Measures:	<i>Tourism Promotion Act</i> (Law No. 12406, March 11, 2014) Articles 5, 21 and 28 <i>Special Act on the Assistance to the Development of Abandoned Mine Areas</i> (Law No. 12154, January 1, 2014) Article 11 <i>National Sports Promotion Act</i> (Law No. 12348, January 28, 2014) Articles 24, 25 and 26 <i>Enforcement Decree of the National Sports Promotion Act</i> (Presidential Decree No. 25511, July 28, 2014) Articles 28 and 30 <i>Korea Racing Association Act</i> (Law No. 13146, February 3, 2015) <i>Traditional Bull Fighting Act</i> (Law No. 13143, February 3, 2015) <i>Bicycle and Motorboat Racing Act</i> (Law No. 12688, May 28, 2014) Articles 4, 19 and 24 <i>Game Industry Promotion Act</i> (Law No. 11998, August 6, 2013) Articles 2, 21 and 22

Act on Special Cases concerning Regulation and Punishment of Speculative Acts, etc. (Law No. 11690, March 23, 2013)

34. Sector: Foreign Professionals services – Foreign Legal Consultants, Foreign Certified Public Accountants, and Foreign Certified Tax Accountants

Obligations Concerned: National Treatment (Articles 9.3 and 10.2)
Most-Favoured-Nation Treatment (Articles 9.4 and 10.3)
Senior Management and Boards of Directors (Article 9.10)
Local Presence (Article 10.5)

Description: Cross-Border Trade in Services and Investment

1. Regarding National Treatment (NT), Most-Favoured-Nation Treatment (MFN), Senior Management and Boards of Directors (SMBD), and Local Presence (LP) obligations, Korea reserves the right to adopt or maintain any measures including but not limited to:

- (a) restrictions on certification, approval, registration, admission, and supervision of, and any other requirements with respect to, foreign country-licensed lawyers or foreign law firms supplying any type of legal services in Korea;
- (b) restrictions on foreign country-licensed lawyers or foreign law firms entering into partnerships, commercial associations, affiliations, or any other type of relationship regardless of legal form, with *byeon-ho-sa* (Korean-licensed lawyers), Korean law firms, *beop-mu-sa* (Korean-certified judicial scriveners), *byeon-ri-sa* (Korean-licensed patent attorneys), *gong-in-hoe-gye-sa* (Korean-certified public accountants), *se-mu-sa* (Korean-certified tax accountants), or *gwan-se-sa* (Korean customs brokers);
- (c) restrictions on foreign country-licensed lawyers or foreign law firms hiring *byeon-ho-sa* (Korean-licensed lawyers), *beop-mu-sa* (Korean-certified judicial scriveners), *byeon-ri-sa* (Korean-licensed patent attorneys), *gong-in-hoe-gye-sa* (Korean-certified public accountants), *se-mu-sa* (Korean certified tax accountants), or *gwan-se-sa* (Korean customs brokers) in Korea; and,

- (d) restrictions on senior management and the board of directors of legal entities supplying foreign legal consulting services, including with respect to the chairman.

2. Notwithstanding paragraph 1, no later than the date this Agreement enters into force, Korea shall allow, subject to certain requirements consistent with this Agreement, law firms of the other party of this Agreement to establish representative offices (Foreign Legal Consultant offices or FLC offices) in Korea, and attorneys licensed in the other party of this Agreement to provide legal advisory services regarding the laws of the jurisdiction in which they are licensed and public international law as foreign legal consultants in Korea.

3. Korea shall maintain, at a minimum, the measures adopted to implement its commitments in paragraph 2.

For the purposes of this entry, **law firm of the other party** means law firm organized under laws of the other party and headquartered in the other party.

4. Korea reserves the right to adopt or maintain any measure with respect to public accountancy services, including those concerning ownership, partnership, nationality of executives and directors and the scope of services to be provided. Foreign public accountants intending to provide accountancy services in Korea must be domestically licensed and registered under the Certified Public Accountant Act. Their offices must be established within Korea.

5. Regarding National Treatment (NT), Senior Management and Boards of Directors (SMBD), Local Presence (LP), and Most-Favoured-Nation Treatment (MFN) obligations, Korea reserves the right to adopt or maintain any measures with respect to *se-mu-sa* (Korean-certified tax accountants) services including those concerning ownership, partnership, nationality of executives and directors and the scope of services to be provided. Foreign-certified tax accountants intending to provide *se-mu-sa* (Korean-certified tax accountants) services in Korea must be domestically licensed and registered under the Certified Tax Accountant Act. Their offices must be established within Korea.

35. Sector: Business Services

Obligations Concerned: National Treatment (Article 10.2)
Local Presence (Article 10.5)

Description: Cross-Border Trade in Services

Korea reserves the right to adopt or maintain any measure with respect to the exportation and re-exportation of controlled commodities, software, and technology.

Only persons residing in Korea may apply for a license to export or re-export such commodities, software, or technology.

36. Sector:	All Sectors
Obligations Concerned:	National Treatment (Article 9.3) Performance Requirements (Article 9.9) Senior Management and Boards of Directors (Article 9.10)
Description:	<u>Investment</u> Korea reserves the right to adopt or maintain any measure with respect to an investment to supply a service in the exercise of governmental authority, as that term is defined in Article 10.1.6 (Scope), such as law enforcement and correctional services.

37. Sector: Transportation Services - Maritime Passenger Transportation and Maritime Cabotage

Obligations Concerned: National Treatment (Articles 9.3 and 10.2)
Most-Favoured-Nation Treatment (Articles 9.4 and 10.3)
Senior Management and Boards of Directors (Article 9.10)
Performance Requirements (Article 9.9)
Local Presence (Article 10.5)

Description: Cross-Border Trade in Services and Investment

Korea reserves the right to adopt or maintain any measure with respect to the provision of international maritime passenger transportation services, maritime cabotage, and the operation of Korean vessels, including the following measures:

A person that supplies international maritime passenger transportation services must obtain a license from the Minister of Maritime Affairs and Fisheries, which is subject to an economic needs test.

Maritime cabotage is reserved for Korean vessels. Maritime cabotage includes maritime transportation between harbors located along the entire Korean peninsula and any adjacent islands. **Korean vessel** means:

- (a) a vessel owned by the Korean government, a state enterprise, or an institution established under the Ministry of Maritime Affairs and Fisheries;
- (b) a vessel owned by a Korean national;
- (c) a vessel owned by an enterprise organized under the Korean Commercial Code;
- (d) a vessel owned by an enterprise organized under foreign law that has its principal office in Korea and whose *dae-pyo-ja* (for example, a chief executive officer, president, or similar principal senior officer) is a Korean national. In the event there is more than one, all *dae-pyo-ja* must be Korean nationals.

For greater certainty, measures relating to the landside aspects of port activities are subject to the application of Article 21.2 (Essential Security).

38. Sector:	Private Investigation
Obligations Concerned:	National Treatment (Articles 9.3 and 10.2) Most-Favoured-Nation Treatment (Articles 9.4 and 10.3) Market Access (Article 10.4) Senior Management and Boards of Directors (Article 9.10) Performance Requirements (Article 9.9) Local Presence (Article 10.5)
Description:	<u>Cross-Border Trade in Services and Investment</u> Korea reserves the right to adopt or maintain any measure with respect to the provision of private investigation services.

39. Sector: All Sectors

Obligations Concerned: Market Access (Article 10.4)
National Treatment (Article 10.2)
Most-Favoured-Nation Treatment (Article 10.3)

Description: Cross-Border Trade in Services

Korea reserves the right to adopt or maintain any measure with regard to the temporary entry and stay of natural persons, subject to the categories included in Korea's schedule of specific commitments on Temporary Entry of Business Persons in Annex 11-A.

APPENDIX II-A

For the following Sectors, Korea's obligations under Article XVI of the General Agreement on Trade in Services as set out in Korea's Schedule of Specific Commitments under the GATS(GATS/SC/48, GATS/SC/48/Suppl.1, GATS/SC/48/Suppl.1/Rev.1, GATS/SC/48/Suppl.2, GATS/SC/48/Suppl.3, and GATS/SC/48/Suppl.3/Rev.1) are improved as described.

Sector/Subsector	Market Access Improvements
<p>Research and Development Services :</p> <p>a. Research and development services on natural sciences</p> <p>b. Research and development services on social sciences and humanities</p> <p>c. Interdisciplinary research and development services</p>	<p>Insert new commitments with "None" for modes 1 and 2, "Unbound" for mode 3 and "Unbound except as indicated in the Horizontal Commitments section." for mode 4</p> <p>Modify mode 1 and 2 limitations from "Unbound" to "None"</p> <p>Insert new commitments with "None" for modes 1 and 2, "Unbound" for mode 3 and "Unbound except as indicated in the Horizontal Commitments section" for mode 4</p>
<p>Market research and public opinion polling services</p>	<p>Modify mode 1 and 2 limitations from "Unbound" to "None"</p>
<p>Services incidental to mining</p>	<p>Modify mode 1 and 2 limitations from "Unbound" to "None"</p>
<p>Packaging services</p>	<p>Modify mode 1 and 2 limitations from "Unbound" to "None"</p>
<p>Convention services other than Convention agency services</p>	<p>Insert new commitments with "None" for mode 1, 2 and 3 and "Unbound except as indicated in the Horizontal Commitments section" for mode 4</p>

For the following Sectors, Korea's obligations under Article XVI of the General Agreement on Trade in Services as set out in Korea's Schedule of Specific Commitments under the GATS(GATS/SC/48, GATS/SC/48/Suppl.1, GATS/SC/48/Suppl.1/Rev.1, GATS/SC/48/Suppl.2, GATS/SC/48/Suppl.3, and GATS/SC/48/Suppl.3/Rev.1) are improved as described.

Sector/Subsector	Market Access Improvements
Building-cleaning services (CPC 874*, excluding 87409)	Insert new commitments with "Unbound*" for mode 1, "None" for modes 2 and 3, "Unbound except as indicated in the Horizontal Commitments section" for mode 4
Environment consulting services (CPC 9409*)	Insert new commitments with "None" for modes 1, 2 and 3 and "Unbound except as indicated in the Horizontal Commitments section" for mode 4
<p>Tourism and travel related services :</p> <p>a. Beverage serving services without entertainment</p> <p>Excluding rail and air transport related facilities in beverage serving services without entertainment</p> <p>b. Tour operator services</p> <p>c. Tourist Guides Services</p>	<p>Insert new commitments with "Unbound*" for mode 1, "None" for mode 2 and 3 and "Unbound except as indicated in the Horizontal Commitments section" for mode 4</p> <p>Insert new commitments with "None" for modes 1, 2 and 3 and "Unbound except as indicated in the Horizontal Commitments section" for mode 4</p> <p>Modify mode 3 from "Only travel agencies are allowed to supply tourist guide services" to "None"</p>