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## RÉPUBLIQUE DE CORÉE

### Projet de version codifiée de la Liste d'engagements spécifiques<sup>1</sup>

On trouvera ci-joint un projet de version codifiée de la Liste d'engagements spécifiques de la République de Corée en format Word. Ce document ne remplace pas les engagements juridiquement contraignants souscrits par la République de Corée dans sa Liste d'engagements spécifiques (GATS/SC/48; GATS/SC/48/Suppl.1/Rev.1; GATS/SC/48/Suppl.2; GATS/SC/48/Suppl.3/Rev.1).

Est joint au projet de liste codifiée un projet de version codifiée de la Liste d'exemptions de l'article II (NPF) de la République de Corée (GATS/EL/48; GATS/EL/48/Suppl.1).

Les projets de versions codifiées de la liste et de la Liste d'exemptions de l'obligation NPF ont été établis par le Secrétariat, à la demande des Membres, pour faciliter le processus de négociation, y compris la présentation des offres initiales.

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<sup>1</sup> Le présent document a été établi, en anglais seulement, par le Secrétariat sous sa propre responsabilité et sans préjudice des positions des Membres ni de leurs droits et obligations dans le cadre de l'OMC.

## KOREA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>I. HORIZONTAL COMMITMENTS</b>			
ALL SECTORS INCLUDED IN THIS SCHEDULE (ALL SECTORS)	<p>3) The acquisition of outstanding stocks of existing domestic companies by natural persons or juridical persons of another member is restricted. However, foreign portfolio investment in Korean stocks is permitted only for the stocks listed on the Korean Stock Exchanges, and individual foreign investors can own up to 3 per cent of each company's total stock, while aggregate foreign investments cannot exceed 15 per cent (10 per cent in the case of two public enterprises: Pohang Iron and Steel Company, Korea Electric Power Corporation) per each company.</p> <p>The aggregate and individual ceilings will be raised in 1996-1997.</p>	<p>3) The amount of foreign direct investment must be at least 50 million Won.</p> <p>The acquisition of land is unbound except:</p> <p>(i) That the acquisition of land by companies which are not deemed as foreign under the Alien Land Law is permitted, and</p> <p>(ii) That the acquisition of land by companies which are deemed as foreign under the Alien Land Law and branches of foreign company is permitted, subject to approval or notification in accordance with the following legitimate business purposes:</p>	<p>3) Residents who have been treated as foreigners in the Securities Exchange Act are accorded national treatment in portfolio investment in Korean stocks.</p>

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>The acquisition of outstanding bonds of existing domestic companies by natural persons or juridical persons of another Member is restricted except in the following cases:</p> <p>(i) Direct foreign investment is allowed in non-guaranteed Convertible Bonds issued by listed small-and medium sized companies.</p> <p>(ii) The purchase of government and public bonds, with interest rates comparable to international interest rates, is allowed in the primary market.</p> <p>(iii) Foreign investors are allowed to make indirect bond investment through the purchase of beneficiary certificates offered exclusively to foreigners.</p> <ul style="list-style-type: none"> <li>Foreign investors will be allowed to make indirect bond investment through the establishment of a country fund.</li> <li>Foreign direct investment in long-term non-guaranteed bonds issued by small-and medium-sized companies will be allowed in 1997.</li> </ul> <p>The establishment of branches must be approved in accordance with the Foreign Exchange Management Act. In financial services, the establishment of representative offices must also be approved in accordance with the Foreign Exchange Management Act.</p> <p>4) Unbound except for measures affecting the entry and temporary stay of natural persons as defined below:</p>	<ul style="list-style-type: none"> <li>land used for supplying services during the course of normal business activities;</li> <li>land used for housing senior company personnel under pertinent law; and</li> <li>land used for fulfilling land-holding requirements stipulated by pertinent laws.</li> </ul> <p>Eligibility for subsidies, including tax benefits, may be limited to companies which are established in Korea according to the pertinent laws.</p> <p>Unbound for research and development subsidies.</p> <p>4) Unbound except for measures concerning the categories of natural persons referred to in the market access column.</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>A. Natural persons who are employees of firms that supply services through 100 per cent foreign ownership, joint venture companies or branches established in Korea and who have been in the employ of their firm for a period of not less than one year immediately preceding the date of their application for admission and who are one of the following:</p> <p>(i) Executives - persons within an organization who primarily direct the management of the organization, exercise wide latitude in decision-making, and receive only general supervision or direction from higher-level executives, the board of directors, or shareholders of the business. Executives would not directly perform tasks related to the actual supply of a service or services of the organization</p> <p>(ii) Senior Managers - persons within an organization who primarily direct the organization or a department of the organization; supervise and control the work of other supervisory, professional or managerial employees; have the authority to hire and fire or recommend hiring, firing or other personnel actions; and exercise discretionary authority over day-to-day operations. Senior managers do not include first-line supervisors, unless the employees supervised are professionals, nor do they include employees who primarily perform tasks necessary for the supply of the service.</p>	<p>The acquisition of land is unbound except that the lease hold right of land is permitted, subject to approval.</p> <p>Eligibility for subsidies, including tax benefits, may be limited to residents according to the pertinent laws.</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>(iii) Specialists-persons within an organization who possess knowledge at an advanced level of continued expertise and proprietary knowledge on the services, research equipment, techniques, or management of the organization.</p> <p>B. Natural persons meeting the criteria of category A(i) or A(ii) and who are responsible for the setting up, in Korea, of a commercial presence of a service supplier of a Member when the service supplier has no representative office, branch or subsidiary in Korea and the persons are not engaged in making direct sales or supplying services.</p> <p>C. Natural persons not based in the territory of Korea and receiving no remuneration from a source located within Korea, who are engaged in activities or representing a service supplier for the purpose of negotiating for the sale of the services of that supplier when such sales are not directly made to the general public and the persons are not engaged in supplying the services.</p> <p>Entry and stay of natural persons as defined in A is limited to a period not exceeding three years that may be extended if extension is deemed to be necessary.</p> <p>Entry and stay of natural persons as defined in B and C is limited to a period of 90 days.</p> <p>Natural persons whose entries and temporary stays are permitted shall observe the Immigration Law and the labour laws. Korea's commitments regarding temporary movement of natural persons do not apply in the case of labour-management disputes.</p>		

Modes of supply:        1)        Cross-border supply        2)        Consumption abroad        3)        Commercial presence        4)        Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>II. SECTOR-SPECIFIC COMMITMENTS</b>			
1. <u>BUSINESS SERVICES</u> A. <u>Professional Services</u>  (b) Accounting, auditing and book-keeping Services (CPC 862)	1) None, other than auditing services which are unbound. 2) None, other than auditing services which are unbound. 3) Only sole proprietorships, auditing task forces, joint accounting offices, and Hapmyung Hoesa (incorporated partnership) by CPAs licensed under the Certified Public Accountant Law are permitted.  Only those CPAs in auditing task forces, joint accounting offices and Hapmyung Hoesa are allowed to supply auditing services.	1) None 2) None 3) None	1)2)3) A Korean accounting firm or office may, by paying an annual membership fee, acquire membership to international accounting organizations which have world-wide business networks. The following services may be supplied to a Korean accounting firm or office through a membership contract: - Consultancy for foreign accounting standards and auditing, training of CPAs, transfer of auditing technology and exchange of information.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(c) Taxation services (CPC 863)	<p>4) Unbound except as indicated in ALL SECTORS</p> <p>1) None, other than tax reconciliation services and tax representative services which are unbound.</p> <p>2) None, other than tax reconciliation services and tax representative services which are unbound.</p> <p>3) Only sole proprietorships, tax reconciliation task forces, joint tax accounting offices and Hapmyung Hoesa (incorporated partnership) by CTAs licensed under the Certified Tax Accountant Law are permitted. Only those CTAs in tax reconciliation task forces, joint tax accounting offices and Hapmyung Hoesa are allowed to supply tax reconciliation services.</p>	<p>4) Unbound except as indicated in ALL SECTORS.</p> <p>In order to practice as a CPA, a candidate must have field experience of two years in Korea after passing the CPA examination.</p> <p>1) None</p> <p>2) None</p> <p>3) None</p>	<p>4) Temporary movement of natural persons who are qualified as CPAs under their home country's laws and are employed by international accounting firms for the purpose of supplying the services mentioned above is allowed. Entry and stay of these persons is limited to a one-year period that may be extended if extension is deemed to be necessary.</p>

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(d) Architectural services (CPC 8671)	<p>4) Unbound except as indicated in ALL SECTORS</p> <p>1) Commercial presence is required. 2) None 3) None 4) Unbound except as indicated in ALL SECTORS</p>	<p>4) Unbound except as indicated in ALL SECTORS.</p> <p>In order to practice as a CTA, a candidate must have field experience of six months in Korea after passing the CTA examination.</p> <p>1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS</p>	<p>1)2)4)Supply of services by foreign architects through joint contracts with architects licensed under Korean law will be allowed from January 1, 1996. Foreign architects licensed under their home country's law may acquire a Korean architect license by passing a simplified examination which covers only two of the regular test's six subjects: architectural laws and regulations and architectural design.</p>
(e) Engineering services (CPC 8672)	<p>1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS</p>	



Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(f) Integrated engineering services (CPC 8673)	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	
(g) Urban planning and landscape architectural services (CPC 8674)	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	
<b>B. <u>Computer and Related Services</u></b>			
(a) Consultancy services related to the installation of computer hardware (CPC 841)	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	
(b) Software implementation services (CPC 842)	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	
(c) Data processing services (CPC 843)	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(d) Data base services (CPC 844)	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	1) None 2) None 3) None Unbound except as indicated in ALL SECTORS	
(e) Other (CPC 845, 849)	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	
C. <u>Research and Development Services</u>			
(a) Research and development services on social sciences and humanities (CPC 852)	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in ALL SECTORS	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	
E. <u>Rental/Leasing Services without Operators</u>			
(a) Relating to ships (CPC 83103)	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in ALL SECTORS	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(b) Relating to Aircraft (CPC 83104)	1) Unbound 2) Unbound 3) Joint venture in which foreign equity participation is less than 50% is permitted. 4) Unbound except as indicated in ALL SECTORS	1) None 2) None 3) Representatives of joint venture companies must be Korean nationals. 4) Unbound except as indicated in ALL SECTORS	
(c) Relating to other transport equipment (CPC 83101, 83105*) <sup>1</sup>	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	
(d) Relating to other machinery and equipment (CPC 83106, 83108, 83109)	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	
(d) Relating to construction machinery and equipment (CPC 83107)	1) Unbound until January 1, 1996. No limitations after that date. 2) Unbound until January 1, 1996. No limitations after that date. 3) Unbound until January 1, 1996. No limitations after that date. 4) Unbound until January 1, 1996. After that date, unbound except as indicated in ALL SECTORS.	1) Unbound until January 1, 1996. No limitations after that date. 2) Unbound until January 1, 1996. No limitations after that date. 3) Unbound until January 1, 1996. No limitations after that date. 4) Unbound until January 1, 1996. After that date, unbound except as indicated in ALL SECTORS	

<sup>1</sup> 83105\*: Only passenger vehicles for less than 15 passengers under CPC 83105.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>F. Other Business Services</b>			
(a) Advertising services (CPC 871)	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	
(b) Market research and public opinion polling services (CPC 864)	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in ALL SECTORS	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	
(c) Management consulting services (CPC 865)	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	
(d) Project management services (CPC 86601)	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	
(e) Composition and purity testing and analysis services (CPC 86761*) <sup>2</sup>	1) None 2) None 3) Establishment of a commercial presence is subject to the economic needs test. 4) Unbound except as indicated in ALL SECTORS	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	

<sup>2</sup> 86761: Only inspection, testing and analysis services of air, water, noise level and vibration level under CPC 86761.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(e) Technical inspection services (CPC 86764)	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	
(f) Consulting services related to agriculture and animal husbandry (CPC 8811*, 8812*)	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in ALL SECTORS	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	
(f) Services incidental to forestry excluding aerial fire fighting and disinfection (CPC 8814*)	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in ALL SECTORS	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	
(g) Consulting services related to fishing (CPC 882*)	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in ALL SECTORS	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	
(h) Consulting services related to mining (CPC 883*)	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in ALL SECTORS	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	
(m) Related scientific and technical consulting services (CPC 86751, 86752)	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(n) Maintenance and repair of equipment (CPC 633, 8861, 8862, 8863, 8864, 8865, 8866)	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	
(p) Photographic services (CPC 875)	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in ALL SECTORS	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	
(q) Packaging services (CPC 876)	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in ALL SECTORS	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	
(r) Printing (CPC 88442*) <sup>3</sup>	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	
(s) Convention agency services (CPC 87909*)	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	
(s) Stenography services (CPC 87909*)	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	

<sup>3</sup> 88442: Screen painting, gravure printing and services related to printing under CPC 88442.

Modes of supply:	1)	Cross-border supply	2)	Consumption abroad	3)	Commercial presence	4)	Presence of natural persons
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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(t) Translation and interpretation services (CPC 87905)	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	
2. COMMUNICATION SERVICES			
C. <u>Telecommunication Services</u> <sup>4</sup>			
<u>Facilities-based:</u>			
(a) Voice telephone services (CPC 7521**)	1) None except that the provision of all services is subject to commercial arrangements with licensed Korean service suppliers	1) None	As contained in the attachment
(b) Packet-switched data transmission services (CPC 7523**)	2) None	2) None	
(c) Circuit-switched data transmission services (CPC 7523**)	3) None except that:	3) None	
(d) Telex services (CPC 7523**)	(i) Each service supplier must be a licensed Korean juridical person.		
(e) Telegraph services (CPC 7523**)	(ii) Until 31 December 1998, a licence, including radio station licence, may not be granted to a juridical person whose largest shareholder is:		
(f) Facsimile services (CPC 7521**, 7529**)			
(g) Private leased circuit services (CPC 7522**, 7523**)			

<sup>4</sup> In this Schedule of Specific Commitments on Basic Telecommunications, the \* indicates that the service specified is a component of a more aggregated CPC item specified elsewhere in this classification list, and the \*\* indicates that the service specified constitutes only part of the total range of activities covered by the CPC concordance.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(o) Other Digital cellular services (CPC 75213*) Paging services (CPC 75291*) PCS (personal communications services, CPC 75213*) TRS (trunked radio system) services (CPC 7523**, CPC 75213*) Mobile data services (CPC 7523**)	<p>(a) Foreign government</p> <p>(b) Foreign person, or</p> <p>(c) Juridical person 50 per cent (15 per cent, if the largest shareholder of the juridical person is a foreign government or a foreign person) or more of whose voting shares are owned by foreign governments or foreign persons.</p> <p>(iii) Until 31 December 2000, a license, including radio station licence, may be granted to a juridical person in whom no more than 33% of the aggregate voting shares are owned by entities identified in (a) through (c). From 1 January 2001, a license, including radio station licence, may be granted to a juridical person in whom no more than 49% of the aggregate voting shares are owned by entities identified in (a) through (c).</p> <p>(iv) A licence, including radio station licence, may not be granted to a juridical person more than 33 per cent (10 per cent, in the case of wireline-based voice telephone services) of whose voting share is owned by a person.<sup>5</sup></p>		

<sup>5</sup> The definition of "a person" is in accordance with the relevant provision of the Presidential Decree of the Korea's Telecommunications Business Law.



Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>(v) The largest shareholder of KT must be Korean government or a Korean person. While KT's share owned by a person<sup>6</sup> must be no more than 3 per cent, the aggregate foreign shareholding in KT must be no more than 20 per cent until 31 December 2000, and no more than 33 per cent from 1 January 2001.</p> <p>4) Unbound except as indicated in the horizontal commitments</p>	<p>4) Unbound except as indicated in the horizontal commitments</p>	
<p><u>Resale-based:</u></p> <p>(a) Voice telephone services (CPC 7521**)</p> <p>(b) Packet-switched data transmission services (CPC 7523**)</p> <p>(c) Circuit-switched data transmission services (CPC 7523**)</p> <p>(d) Telex services (CPC 7523**)</p> <p>(e) Telegraph services (CPC 7523**)</p> <p>(f) Facsimile services (CPC 7521**, 7529**)</p> <p>(g) private leased circuit services (CPC 7522**, 7523**)</p>	<p>1) None except that:</p> <p>(i) Provision of all services is subject to commercial arrangements with licensed Korean service suppliers</p> <p>(ii) Until 31 December 2000 resale of voice telephone services interconnected to the public telecommunications network can only be supplied by companies established in Korea</p> <p>2) None</p> <p>3) None except that:</p> <p>(i) Each service supplier must be a licensed Korean juridical person.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	

<sup>6</sup> The definition of "a person" is in accordance with the relevant provision of the Presidential Decree of the Korea's Telecommunications Business Law.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(o) Other - Digital cellular services (CPC 75213*) - Paging services (CPC 75291*) - PCS (personal communications services, CPC 75213*) - TRS (trunked radio system) services (CPC 7523**, CPC 75213*) - Mobile data services (CPC 7523**)	(ii) Foreign shareholding in suppliers of resale voice telephone services, interconnected to the public telecommunications network, will be permitted only after 1 January 1999. From 1 January 1999, foreign shareholding will be permitted up to 49 per cent. As of 1 January 2001, 100 percent foreign shareholding will be permitted.  4) Unbound except as indicated in the horizontal commitments	4) Unbound except as indicated in the horizontal commitments	
Value-added services <sup>7</sup> Including On-Line Data Base and Remote Computing Services: <sup>8</sup>			
(h) Electronic mail (i) Voice mail (j) On-line information and data base retrieval (k) Electronic data interchange	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	Registered, operating, value-added service providers are allowed to supply data transmission services. <sup>9</sup>

<sup>7</sup> Value-added services means telecommunication services which are provided through telecommunications network facilities leased from network service providers and which store and forward, or process and forward, the customer's information on a non-real time base.

<sup>8</sup> On-line data base and remote computing services means telecommunication services which are provided through telecommunications network facilities leased from network service providers and which do not mediate third party communications.

<sup>9</sup> Telecommunications services which are provided through telecommunications network facilities leased from network service providers and which transmit and/or exchange the customer's data on a real-time base without change in the form or content (voice telephony, telex, facsimile services and simple resale of leased circuits are excluded).

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(l) Enhanced/value-added facsimile services including store and forward, store and retrieve (m) Code and protocol conversion (n) On-line information and/or data processing (including transaction processing)			
D. <u>Audiovisual Services</u>			
(a) Motion Picture and Video Tape Production and Distribution Services Excluding Those Services for Cable TV Broadcasting (CPC 96112*, 96113*)	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	
(e) Record Production and Distribution Services (Sound Recording)	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
3. CONSTRUCTION SERVICES			
A. <u>General Construction Work</u> (CPC 5111, 5112, 5113, 5115, 5116, 512, 5131, 5132, 5133, 5136*, 5137, 5139) <sup>10</sup>	1) Unbound* except for CPC 5111 which is none. 2) None 3) Branches are not permitted. From January 1, 1996, branches will be permitted.  New licenses are issued during a specific period every year. Limits on contract amount per contract are applied. A compulsory subcontract system is applied.  4) Unbound except as indicated in ALL SECTORS	1) Unbound* except for CPC 5111 which is none. 2) None 3) None          4) Unbound except as indicated in ALL SECTORS	
Special Construction Work (CPC 5134, 5135, 5136*, 514, 515, 516, 517) <sup>11</sup>	1) Unbound* 2) None 3) Only joint ventures with licensed local companies are permitted.	1) Unbound* 2) None 3) None	

<sup>10</sup> 5136: Excluding construction work of power plants under CPC 5136.

<sup>11</sup> 5136: Only construction work of power plants under CPC 5136

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
4. DISTRIBUTION SERVICES <sup>12</sup>	<p>From January 1, 1996, 100% foreign ownership will be permitted.  From January 1, 1998, branches will be permitted.  New licenses are issued during a specific period every year.  Limits on contract amount per contract are applied.</p> <p>4) Unbound except as indicated in ALL SECTORS</p>	<p>4) Unbound except as indicated in ALL SECTORS</p>	
A. <u>Commission Agents' Services</u> (CPC 621, excluding 62111, 62112 and commission agents' services of future contracts)	<p>1) Unbound  2) Unbound  3) None  4) Unbound except as indicated in ALL SECTORS</p>	<p>1) None  2) None  3) None  4) Unbound except as indicated in ALL SECTORS</p>	

<sup>12</sup> Excluding trade in firearms, explosives and swords; works of art and antiques, and the establishment and operation of, and distribution services at, the public wholesale markets for agricultural, fishery and livestock products, which are officially designated by the local authorities as public wholesale markets.

Modes of supply:      1)      Cross-border supply      2)      Consumption abroad      3)      Commercial presence      4)      Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
B. Wholesale Trade Services (CPC 622, excluding grain in 62211, raw milk in 62222, 62223, red ginseng and farinaceous products in 62229, and fertilizers in 62276)	1) Unbound 2) Unbound Following services are subject to the economic needs test: - wholesale markets with floor space of more than 3,000m <sup>2</sup> - large stores with floor space of more than 3,000m <sup>2</sup> - wholesale trade centers - wholesale trade of used cars - wholesale trade of gaseous fuels and related products - foreign trade services 4) Unbound except as indicated in ALL SECTORS	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	
C. Retailing Services (CPC 6111, 61130, 61210, 63101, 63104 and 632, excluding animal feed, livestock and other animal in 63295)	1) Unbound 2) Unbound 3) For a joint venture or a 100% foreign ownership, not more than twenty (20) shops with floor space of less than 3,000m <sup>2</sup> per shop are allowed. From January 1, 1996, this restriction will be eliminated.  For a branch, only one (1) shop with floor space of less than 700m <sup>2</sup> is allowed. From January 1, 1996, this restriction will be eliminated.	1) None 2) None 3) None	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
D. <u>Franchising</u> (CPC 8929*) <sup>13</sup>	<p>Retailing services for used cars and gaseous fuels are subject to the economic needs test. Department stores and shopping centers are prohibited.</p> <p>4) Unbound except as indicated in ALL SECTORS</p> <p>1) None 2) None 3) For a joint venture or a 100% foreign ownership, not more than twenty (20) shops with floor space of less than 3,000m<sup>2</sup> per shop are allowed. From January 1, 1996, this restriction will be eliminated.</p> <p>4) Unbound except as indicated in ALL SECTORS</p>	<p>4) Unbound except as indicated in ALL SECTORS</p> <p>1) None 2) None 3) None</p> <p>4) Unbound except as indicated in ALL SECTORS</p>	

<sup>13</sup> Franchising services are limited to those items which are allowed under Wholesale Trade Services and Retailing Services in this schedule.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
6. ENVIRONMENTAL SERVICES			
A. <u>Sewage Services</u>			
<u>Refuse Water Disposal Services</u> (CPC 9401*) <sup>14</sup>	1) Unbound 2) None 3) The number of service suppliers is limited to twenty-five (25). 4) Unbound except as indicated in ALL SECTORS	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	
B. <u>Refuse Disposal Services</u>			
Industrial Refuse Disposal Services (CPC 9402*) <sup>15</sup>	1) Unbound 2) None 3) Establishment of a commercial presence is subject to the economic needs test.  Refuse collection and transport service suppliers may conduct business only within the jurisdiction of the respective Regional Environment Office which has granted them approval for operation. 4) Unbound except as indicated in ALL SECTORS	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	

<sup>14</sup> 9401: Only collection and treatment services of industrial waste water under CPC 9401

<sup>15</sup> 9402: Only collection, transport and disposal services of industrial refuse under CPC 9402.



Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
D. <u>Other</u>			
Cleaning Services of Exhaust Gases and Noise Abatement Services (CPC 9404*, 9405*)	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	
Environment Testing and Assessment Services (CPC 9406*, 9409*) <sup>16</sup>	1) None 2) None 3) Establishment of a commercial presence is subject to the economic needs test. 4) Unbound except as indicated in ALL SECTORS	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	
7. FINANCIAL SERVICES <sup>17</sup>			
As described in paragraph 2(a) of the Annex on Financial Services, Korea shall not be prevented from taking prudential measures including requirements related to parent companies, the minimum capital requirement, or minimum operating funds requirement.			
In those cases where the establishment of commercial presence by foreign companies in the financial sector is allowed, approval by the relevant authorities is required in accordance with related laws and regulations unless otherwise specified in any of subsectors below.			
All financial services covered by this schedule including Insurance	1),2), 3) Korea undertakes a standstill commitment for limitations on market access, where specific commitments are undertaken, in financial services listed in this schedule as of 31 August 1997.	1),2), 3) Korea undertakes a standstill commitment for limitations on national treatment, where specific commitments are undertaken, in financial services listed in this schedule as of 31 August 1997.	

<sup>16</sup> 9406\*, 9409\*: Only environmental impact assessment services under CPC 9406 and 9409.

<sup>17</sup> Sub-sectors in financial services are classification based on the unit of business established. A financial institution must be established for only one business defined in sub-sectors.

Modes of supply:      1)      Cross-border supply      2)      Consumption abroad      3)      Commercial presence      4)      Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>Cross-border supply of financial services and supply through consumer movement may not be settled in Korean currency. After the establishment of a commercial presence, financial institutions may handle only transactions, denominated and settled in Korean currency, with residents. Approval is required for transactions denominated or settled in foreign currency or transactions with non-residents.</p> <p>The management and operation of assets of a financial institution are restricted. A financial institution may not own non-business real estate.</p> <p>Assets owned by branches must be kept within the territory of Korea. The capital of the head office is not recognized as the basis for determining the extent of funding and lending activities of branches.</p> <ul style="list-style-type: none"> <li>- Demand deposit interest rates are regulated. Some new financial products, including derivatives, are subject to approval.</li> <li>- With interest rate and foreign exchange liberalization, such products will be more widely allowed, subject to relevant laws and regulations.</li> </ul>		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<u>Banking and Other Financial Services</u>  1. <u>Banking Businesses</u>  Following banking services: (i) Deposit and related services) <sup>18</sup> (CPC 81115*, 81116*) (ii) Loan and related services <sup>19</sup> (CPC 81131*, 81132*) (iii) Payment and money transmission services including credit card services (CPC 81339*) (iv) Settlement and clearing services <sup>21</sup> (CPC 81339*) (v) Foreign exchange services <sup>22</sup> (CPC 81333*) (vi) Services auxiliary to banking: Sale of commercial bills <sup>23</sup> (CPC 81339*)	1) Unbound 2) Unbound 3) <Horizontal limitations on banking services>  Commercial presence is permitted only to foreign banks. A person <sup>20</sup> may own up to 4 per cent of the stocks of a bank and 15 per cent of the stocks of a provincial bank without the special authorization of the relevant authorities.  Foreign exchange position is regulated. The oversold position of spot foreign exchange is US\$5 million, or 3 per cent of capital (whichever is greatest).  <Limitations on Deposit and Related Services>  The maturity of CDs shall be more than 30 days.	1) Unbound 2) Unbound 3) None	

<sup>18</sup> Activities in which banks obtain funds from the public by receiving deposits or issuing transferable instruments or other securities.

<sup>19</sup> Activities, such as loans and bill discounts, in which banks provide funds to the public in order to receive interest.

<sup>20</sup> The definition of a "person" is in accordance with the relevant provision of the Presidential Decree of the Bank Act.

<sup>21</sup> Settlement and clearing services on notes, bills and cheques by banks according to the Articles of KFTCI (Korea Financial Telecommunications and Clearings Institute).

<sup>22</sup> Purchase, sale, issuance, remittance and collection of foreign exchange.

<sup>23</sup> A commercial bill is defined as a bill accompanying commercial transactions

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<ul style="list-style-type: none"> <li>- Sale of trade bills<sup>24</sup> (CPC 81339*)</li> <li>- Mutual instalment deposit (CPC 81132)]</li> <li>- Payment guarantees and commitments (CPC 81339*)</li> </ul> <p>(vii) Trust services<sup>25</sup> (CPC 81192*, 81193)</p>	<p>Deposits for specific purposes, such as housing subscription deposits, may be handled only by designated institutions.</p> <p>&lt;Limitations on loan and related services&gt;</p> <ul style="list-style-type: none"> <li>- Foreign currency loans are restricted with respect to ceiling and uses.</li> <li>- Mandatory lending to small- and medium-sized companies are required.</li> </ul> <p>&lt;Limitations on foreign exchange services&gt;</p> <ul style="list-style-type: none"> <li>- Underlying transaction and documentation requirements apply to foreign exchange transactions.</li> <li>- Underlying documentation requirements are exempt in the case of forward transactions.</li> </ul> <p>&lt;Limitations on trust services&gt;</p> <ul style="list-style-type: none"> <li>- Real estate trust business is prohibited.</li> </ul>		

<sup>24</sup> A trade bill is defined as a bill issued by exporters based on L/C before shipping export cargo.

<sup>25</sup> Activities where the trustee, having been delegated the authority manages assets of the trustor for the beneficiary.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>2. <u>Credit Card Businesses</u></p> <p>Credit card services (CPC 81133)</p>	<p>To handle a trust business, approval (two types) is required from the Ministry of Finance and Economy both for engaging in businesses other than the main banking businesses and for engaging in the trust business.</p> <p>4) Unbound except as indicated in ALL SECTORS.</p> <p>1) Unbound 2) Unbound 3) Commercial presence are permitted to foreign suppliers which deal with credit card services.</p> <p>Lending for credit card members through such means as card loans is subject to limitations.</p> <p>Maximum limits are applied to various rates such as fees and interest rates.</p> <p>4) Unbound except as indicated in ALL SECTORS.</p>	<p>4) Unbound except as indicated in ALL SECTORS.</p> <p>1) Unbound 2) Unbound 3) None</p> <p>4) Unbound except as indicated in ALL SECTORS.</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>3. <u>Financial Leasing Businesses</u></p> <p>Financial leasing services (CPC 81120)</p>	<p>1) Unbound 2) Unbound 3) None 4) Unbound, except as indicated in ALL SECTORS.</p>	<p>1) Unbound 2) Unbound 3) None 4) Unbound, except as indicated in ALL SECTORS. Top executive personnel of each establishment must reside in Korea.</p>	
<p>4. <u>Securities Businesses</u></p> <p>Following services related to securities</p> <p>(i) Dealing (CPC 81199*) (ii) Broking (CPC 81321*) (iii) Underwriting (CPC 81322*) (iv) Securities savings (CPC 81119*) (v) Credit granting (CPC 81139*)</p>	<p>1) Unbound 2) Unbound 3) Commercial presence is permitted only to foreign securities companies. Representative offices may be established by pre-notification.</p> <p>In joint ventures, which must be established as a Chusik Hoesa (a joint stock corporation), foreign equity participation must be at least 40 per cent but less than 50 per cent.</p>	<p>1) Unbound 2) Unbound 3) None</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>5. <u>Securities Investment Trust Businesses</u></p> <p>Securities investment trust services (CPC 81193*)</p>	<p>Broking for foreigners is limited to securities allowed for foreign investment as specified in ALL SECTORS in this schedule.</p> <p>Ceilings and operating conditions are applied to the services listed under (iv) and (v).</p> <p>4) Unbound except as indicated in ALL SECTORS.</p> <p>1) Unbound 2) Unbound 3) Commercial presence is permitted only to foreign securities investment trust companies. Representative offices may be established by pre-notification. 4) Unbound except as indicated in ALL SECTORS.</p>	<p>4) Unbound except as indicated in ALL SECTORS. Top executive personnel of each establishment must reside in Korea.</p> <p>1) Unbound 2) Unbound 3) None</p> <p>4) Unbound except as indicated in ALL SECTORS. Top executive personnel of each establishment must reside in Korea.</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>6. <u>Investment advisory Businesses</u></p> <p>Investment advisory services (CPC 81332)</p>	<p>1) Unbound 2) Unbound 3) Commercial presence is permitted only to foreign investment advisory companies. Representative offices may be established by pre-notification. 4) Unbound except as indicated in ALL SECTORS.</p>	<p>1) Unbound 2) Unbound 3) None  4) Unbound except as indicated in ALL SECTORS.  Top executive personnel of each establishment must reside in Korea.</p>	
<p>7. <u>Credit Rating Businesses</u></p> <p>Credit rating services (CPC 81339*)</p>	<p>1) Unbound 2) Unbound 3) Credit rating companies should be designated by the relevant authorities to assess the credit rating of companies which may wish to issue non-guaranteed corporate bonds and commercial papers. 4) Unbound except as indicated in ALL SECTORS.</p>	<p>1) Unbound 2) Unbound 3) None  4) Unbound except as indicated in ALL SECTORS.</p>	



Modes of supply:      1)      Cross-border supply      2)      Consumption abroad      3)      Commercial presence      4)      Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>8. <u>Credit Information Businesses</u></p> <p>Credit information services (CPC 81339*)</p> <p><u>Insurance and Insurance-Related Services</u></p> <p>9. <u>Life Insurance Businesses</u></p> <p>Life insurance services (CPC 81211)</p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) Unbound except for equity participation of less than 50 percent in existing financial information companies.</p> <p>4) Unbound except as indicated in ALL SECTORS.</p> <p>1) Unbound</p> <p>2) Unbound</p> <p>3) Commercial presence is permitted only to foreign life insurance companies. The establishment of joint ventures with Korean life insurance companies are not allowed. The recruitment and employment of insurance professionals, including sales personnel, are restricted.</p> <p>4) Unbound except as indicated in ALL SECTORS.</p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) None</p> <p>4) Unbound except as indicated in ALL SECTORS.</p> <p>1) Unbound</p> <p>2) Unbound</p> <p>3) None</p> <p>4) Unbound except as indicated in ALL SECTORS.</p> <p>Top executive personnel of each establishment must reside in Korea.</p>	

Modes of supply:      1)      Cross-border supply      2)      Consumption abroad      3)      Commercial presence      4)      Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>10. <u>Non-life Insurance Businesses</u></p> <p>Non-life insurance services (CPC 8129)</p>	<p>1) Unbound except for marine export/import cargo and aviation insurance.</p> <p>2) Unbound</p> <p>3) Commercial presence is permitted only to foreign non-life insurance companies. The establishment of joint ventures with Korean non-life insurance companies are not allowed.</p> <p>The recruitment and employment of insurance professionals, including sales personnel, are restricted.</p> <p>4) Unbound except as indicated in ALL SECTORS.</p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) None</p> <p>4) Unbound except as indicated in ALL SECTORS.</p> <p>Top executive personnel of each establishment must reside in Korea.</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>11. <u>Reinsurance and Retrocession Businesses</u></p> <p>Reinsurance and retrocession services (CPC 81299*)</p>	<p>1) None</p> <p>2) None</p> <p>3) Direct insurance companies may participate in the supply of services subject to the restriction in section (10) regarding non-life insurance services.</p> <p>4) Unbound except as indicated in ALL SECTORS.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in ALL SECTORS.</p> <p>Top executive personnel of each establishment must reside in Korea.</p>	
<p>12. <u>Insurance Broking and Agency Businesses</u></p> <p>Insurance broking and agency services (CPC 81401*)</p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) None for insurance agency services. Commercial presence is permitted only to foreign insurance brokerage companies.</p> <p>4) Unbound except as indicated in ALL SECTORS.</p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) None</p> <p>4) Unbound except as indicated in ALL SECTORS.</p> <p>Top executive personnel of each establishment must reside in Korea.</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
13. <u>Claim Settlement Businesses</u>  Claim settlement services (CPC 81403*)	1) Unbound 2) Unbound 3) Commercial presence is permitted only to foreign claim settlement companies. 4) Unbound except as indicated in ALL SECTORS.	1) None 2) None 3) None  4) Unbound except as indicated in ALL SECTORS. Top executive personnel of each establishment must reside in Korea.	
14. <u>Actuarial Businesses</u>  Actuarial services (CPC 81404)	1) Unbound 2) Unbound 3) Commercial presence is permitted only to foreign actuarial companies. 4) Unbound except as indicated in ALL SECTORS.	1) None 2) None 3) None  4) Unbound except as indicated in ALL SECTORS. Top executive personnel of each establishment must reside in Korea.	
9. TOURISM AND TRAVEL RELATED SERVICES			
A. <u>Hotels and Restaurants</u> (CPC 641, 642)	1) Unbound* 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	1) Unbound* 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	

Modes of supply:      1)      Cross-border supply      2)      Consumption abroad      3)      Commercial presence      4)      Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>B. <u>Travel agency and tour operator Services</u></p> <p>Travel Agency services (CPC 7471)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in ALL SECTORS</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in ALL SECTORS</p>	
<p>C. <u>Tourist Guide Services</u> (CPC 7472)</p>	<p>1) None</p> <p>2) None</p> <p>3) Only travel agencies are allowed to supply tourist guide services.</p> <p>4) Unbound except as indicated in ALL SECTORS</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in ALL SECTORS</p>	

Modes of supply:      1)      Cross-border supply      2)      Consumption abroad      3)      Commercial presence      4)      Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>11. TRANSPORT SERVICES</p> <p>A. <u>Maritime Transport Services</u><sup>26</sup></p> <p>International Transport Excluding Cabotage (CPC 7211*, 7212*)</p>	<p>1) (a) Liner shipping: None</p> <p>(b) Bulk, tramp, and other international shipping: The cargo preference system applies to 8 items, which are crude petroleum, iron ore, raw materials for fertilizer, grain, coal, raw materials for petrochemical products, liquified gas and steel products.</p> <p>2) None</p>	<p>1) None</p> <p>2) None</p>	<p>The following services at the port are made publicly available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions.</p> <ol style="list-style-type: none"> <li>1. pilotage</li> <li>2. owing and tug assistance</li> <li>3. Provisioning, fuelling and watering</li> </ol>

<sup>26</sup> Refer to ATTACHMENT CONCERNING MARITIME TRANSPORT SERVICES.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>3) (a) Establishment of a registered company for the purpose of operating a fleet under the national flag of Korea: Unbound (b) Other forms of commercial presence: None</p> <p>4) (a) Ship's crew: Unbound (b) Shore personnel: Unbound except as indicated in ALL SECTORS</p>	<p>3) (a) Unbound  (b) None</p> <p>4) (a) Unbound (b) Unbound except as indicated in ALL SECTORS</p>	<p>4. Garbage collecting and ballast waste disposal</p> <p>5. Port Captain's services</p> <p>6. Navigation aids</p> <p>7.. Shore-based operational services essential to ship operations, including communications, water and electrical supplies</p> <p>8. Emergency repair facilities</p> <p>9. Anchorage, berth and berthing services</p>
<u>Maritime Auxiliary Services</u>			
Maritime Cargo Handling Services (CPC 741*)	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in ALL SECTORS</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in ALL SECTORS</p>	
Storage and Warehouse Services in Ports Excluding Services for Agricultural, Fishery and Livestock Products (CPC 742*)	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in ALL SECTORS</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in ALL SECTORS</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Customs Clearance Services	1) Unbound* 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	1) Unbound* 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	
Maritime Agency Services (CPC 748*) <sup>27</sup>	1) None 2) None 3) A joint venture or a 100% foreign ownership must be incorporated as a Chusik Hoesa (a joint stock company). 4) Unbound except as indicated in ALL SECTORS	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	
Container Station Services (CPC 741*) <sup>28</sup>	1) Unbound* 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	1) Unbound* 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	
Maritime Freight Forwarding Services (CPC 748*) <sup>29</sup>	1) None 2) None 3) A joint venture or a 100% foreign ownership must be incorporated as a Chusik Hoesa (a joint stock company). 4) Unbound except as indicated in ALL SECTORS	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	

<sup>27</sup> Agency services on behalf of maritime passenger transport businesses or maritime cargo transport businesses (including foreign transport businesses) under CPC 748/

<sup>28</sup> Container station services provided in port areas under CPC 741

<sup>29</sup> Freight forwarding services by vessels in the name of the forwarder (including any foreign forwarders under contract) under CPC 748.

\* Unbound due to lack of technical feasibility



Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Shipping Brokerage Services (CPC 748*, 749*) <sup>30</sup>	1) None 2) None 3) A joint venture or a 100% foreign ownership must be incorporated as a Chusik Hoesa (a joint stock company). 4) Unbound except as indicated in ALL SECTORS	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	
Maintenance and Repair of Vessels <sup>31</sup>	1) Unbound* 2) None 3) A joint venture or a 100% foreign ownership must be incorporated as a Chusik Hoesa (a joint stock company). 4) Unbound except as indicated in ALL SECTORS	1) Unbound* 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	
C. <u>Air Transport Services</u>			
Computer Reservation Services <sup>32</sup>	1) Access only through publicly switched networks is allowed. 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	1) None 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	

\* Unbound due to lack of technical feasibility.

<sup>30</sup> 748\*, 749\*: Brokerage services for maritime cargo transport or for the chartering, leasing, purchasing or selling of vessels under CPC 748 and 749.

<sup>31</sup> As defined in the Annex on Air Transport Services.

<sup>32</sup> As defined in the Annex on Air Transport Services.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Selling and Marketing of Air Transport Services <sup>33</sup>	1) Unbound* 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	1) Unbound* 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	
F. <u>Road Transport Services</u>			
Transportation of Containerized Freight Excluding Cabotage (CPC 71233*)	1) Unbound 2) None 3) Licenses are granted only to international shipping companies. 4) Unbound except as indicated in ALL SECTORS	1) Unbound 2) None 3) Cargoes are confined to containerized cargoes to be exported or imported. 4) Unbound except as indicated in ALL SECTORS	
H. <u>Services Auxiliary to all Modes of Transport</u>			
(b) Storage and Warehouse Services Other Than Those in Ports Excluding Services for Agricultural, Fishery and Livestock Products (CPC 742*)	1) Unbound* 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	1) Unbound* 2) None 3) None 4) Unbound except as indicated in ALL SECTORS	

<sup>33</sup> Services defined in provisions 34 (general air transport agency services) and 32 (air cargo transport agency services) of Article 2 of the Aviation Act. "General air transport agency" means an enterprise which undertakes to make contracts for international transport of passengers or cargoes by aircraft (excluding the service of acting for other persons in the application procedure for visa or passport) on behalf of air transport services firms for compensation. "Air cargo transport agency" means an enterprise which undertakes to make contracts for cargo transport by aircraft on behalf of air transport services firms or general air transport agency services firms for compensation.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>I. <u>Other Transport Services</u></p> <p>Combined Transport Services</p> <p>Freight Forwarding for Rail Transport</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) Licenses are granted only to international shipping companies, subject to the economic needs test.</p> <p>Business areas are restricted to Pusan and Pukok area.</p> <p>4) Unbound except as indicated in ALL SECTORS</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) Cargoes are confined to containerized cargoes to be exported or imported.</p> <p>Business activities are restricted as follows:</p> <ul style="list-style-type: none"> <li>- Pusan: freight handling and ancillary transportation; and</li> <li>- Pukok: freight handling.</li> </ul> <p>4) Unbound except as indicated in ALL SECTORS</p>	

## REFERENCE PAPER

### Scope

The following are definitions and principles on the regulatory framework for the basic telecommunications services.

### Definitions

Users mean service consumers and service suppliers.

Essential facilities mean facilities of a public telecommunications transport network or service that

- (a) are exclusively or predominantly provided by a single or limited number of suppliers; and
- (b) cannot feasibly be economically or technically substituted in order to provide a service.

A major supplier is a supplier which has the ability to materially affect the terms of participation (having regard to price and supply) in the relevant market for basic telecommunications services as a result of:

- (a) control over essential facilities; or
- (b) use of its position in the market.

## 1. Competitive safeguards

### 1.1 Prevention of anti-competitive practices in telecommunications

Appropriate measures shall be maintained for the purpose of preventing suppliers who, alone or together, are a major supplier from engaging in or continuing anti-competitive practices.

### 1.2 Safeguards

The anti-competitive practices referred to above shall include in particular:

- (a) engaging in anti-competitive cross-subsidization;
- (b) using information obtained from competitors with anti-competitive results; and
- (c) not making available to other services suppliers on a timely basis technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

## 2. Interconnection

2.1 This section applies to linking with suppliers providing public telecommunications transport networks or services in order to allow the users of one supplier to communicate with users of another supplier and to access services provided by another supplier, where specific commitments are undertaken.

## 2.2 Interconnection to be ensured

Interconnection with a major supplier will be ensured at any technically feasible point in the network. Such interconnection is provided.

- (a) under non-discriminatory terms, conditions (including technical standards and specifications) and rates and of a quality no less favourable than that provided for its own like services or for like services of non-affiliated service suppliers or for its subsidiaries or other affiliates;
- (b) in a timely fashion, on terms, conditions (including technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled so that the supplier need not pay for network components or facilities that it does not require for the service to be provided; and
- (c) upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost of construction of necessary additional facilities.

## 2.3 Public availability of the procedures for interconnection negotiations

The procedures applicable for interconnection to a major supplier will be made publicly available.

## 2.4 Transparency of interconnection arrangements

It is ensured that a major supplier will make publicly available either its interconnection agreements or a reference interconnection offer.

## 2.5 Interconnection: dispute settlement

A service supplier requesting interconnection with a major supplier will have recourse, either:

- (a) at any time or
- (b) after a reasonable period of time which has been made publicly known

to an independent domestic body, which may be a regulatory body as referred to in paragraph 5 below, to resolve disputes regarding appropriate terms, conditions and rates for interconnection within a reasonable period of time, to the extent that these have not been established previously.

## 3. Universal service

Any Member has the right to define the kind of universal service obligation it wishes to maintain. Such obligations will not be regarded as anti-competitive per se, provided they are administered in a transparent, non-discriminatory and competitively neutral manner and are not more burdensome than necessary for the kind of universal service defined by the Member.

4. Public availability of licensing criteria

Where a licence is required, the following will be made publicly available:

- (a) all the licensing criteria and the period of time normally required to reach a decision concerning an application for a licence and
- (b) the terms and conditions of individual licences.

The reasons for the denial of a licence will be made known to the applicant upon request.

5. Independent regulators

The regulatory body is separate from, and not accountable to, any supplier of basic telecommunications services. The decisions of and the procedures used by regulators shall be impartial with respect to all market participants.

6. Allocation and use of scarce resources

Any procedures for the allocation and use of scarce resources, including frequencies, numbers and rights of way, will be carried out in an objective, timely, transparent and non-discriminatory manner. The current state of allocated frequency bands will be made publicly available, but detailed identification of frequencies allocated for specific government uses is not required.

## ATTACHMENT CONCERNING MARITIME TRANSPORT SERVICES

### 1. International Shipping, 3.b):

"Other forms of commercial presence for the supply of international maritime transport services" means the ability for international maritime transport service suppliers of other Members to establish branches and to undertake activities concerned for the supply to their customers of maritime transport services.

### 2. Maritime Cargo Handling Services:

Activities exercised by stevedore companies, including terminal operators, but not including the direct activities of dockers, when this workforce is organized independently of the stevedoring or terminal companies. The activities covered include the organization and supervision of:

- the loading/discharging of cargo to/from a ship;
- the lashing/unlashing of cargo;
- the reception/delivery and safekeeping of cargoes before shipment or after discharge.

### 3. Customs Clearance Services:

Activities consisting in carrying out on behalf of another party customs formalities concerning import, export or through transport of cargoes, whether this service is the main activity of the service supplier or a usual complement of its main activity.

### 4. Container Station and Depot Services:

Activities consisting in storing containers in port areas with a view to their stuffing/stripping, repairing and making them available for shipments.

### 5. Maritime Agency Services:

Activities consisting in representing, within a given geographical area, as an agent, the business interests of one or more shipping lines or shipping companies, for the following purposes:

- Marketing and sales of maritime transport and related services, from quotation to invoicing, and issuance of bills of lading on behalf of the companies; acquisition and resale of the necessary related services, preparation of documentation, and provision of business information;
- Acting on behalf of the companies organizing the call of the ship or taking over cargoes when required.

### 6. Maritime Freight Forwarding Services:

Activities consisting of organizing and monitoring shipment operations on behalf of shippers, through the acquisition of maritime transport and related services, preparation of documentation and provision of business information.

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## KOREA – FINAL LIST OF ARTICLE II (MFN) EXEMPTIONS

Sector or Subsector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
Computerized Reservation System	Access to foreign CRS through the SITA network is allowed only for domestic travel agencies which want to access CRS designated by carriers of the country indicated in column 3.	The United States of America	Indefinite	Access to foreign CRS through the SITA network could be limited or otherwise affected by negotiations on granting or receiving traffic rights.