

**ANNEX I**  
**SCHEDULE OF KOREA**

<b>Sector:</b>	Construction Services
<b>Obligations Concerned:</b>	Local Presence (Article 7.5)
<b>Measures:</b>	<p><i>Framework Act on the Construction Industry</i> (Law No. 12012, August 6, 2013), Articles 9 and 10</p> <p><i>Enforcement Decree of the Framework Act on the Construction Industry</i> (Presidential Decree No. 24616, June 17, 2013), Article 13</p> <p><i>Enforcement Regulations of the Framework Act on the Construction Industry</i> (Ordinance of the Ministry of Land, Infrastructure and Transport No.10, June 17, 2013), Articles 2 and 3</p> <p><i>Information and Communication Construction Business Act</i> (Law No. 11690, March 23, 2013), Article 14</p> <p><i>Fire Fighting System Installation Business Act</i> (Law No. 11782, May 22, 2013), Articles 4 and 5</p> <p><i>Enforcement Decree of the Fire Fighting System Installation Business Act</i> (Presidential Decree No. 24417, March 23, 2013), Article 2 (Table 1)</p> <p><i>Enforcement Regulations of the Fire Fighting System Installation Business Act</i> (Ordinance of Ministry of Security and Public Administration No. 3, March 23, 2013), Article 2</p>
<b>Description:</b>	<p><u>Cross-Border Trade in Services</u></p> <p>A person that supplies construction services in Korea must, prior to the signing of the first contract related to such services, establish an office in Korea.</p>

**Sector:** Leasing, Rental, Maintenance, Repair, Sales, and Disposal Services Related to Construction Machinery and Equipment

**Obligations Concerned:** Local Presence (Article 7.5)

**Measures:** *Construction Machinery Management Act* (Law No. 11919, July 16, 2013), Article 21

*Enforcement Decree of the Construction Machinery Management Act* (Presidential Decree No. 24443, March 23, 2013), Articles 13, 14, 15 and 15-2

*Enforcement Regulations of the Construction Machinery Management Act* (Ordinance of the Ministry of Land, Infrastructure and Transport No. 1, March 23, 2013), Articles 57 through 63, 65-2 and 65-3

**Description:** Cross-Border Trade in Services

A person that supplies leasing, rental, maintenance, repair, sales, and disposal services related to construction machinery and equipment must establish an office in Korea.

**Sector:** Transportation Services – Automobile Maintenance, Repair, Sales, Disposal, and Inspection Services; Automobile License Plate Issuing Services

**Obligations Concerned:** Market Access (Article 7.4)  
Local Presence (Article 7.5)

**Measures:** *Automobile Management Act* (Law No. 11929, July 16, 2013), Articles 20, 44, 45 and 53

*Enforcement Regulations of the Automobile Management Act* (Ordinance of the Ministry of Land, Infrastructure and Transport No. 24, September 6, 2013), Articles 7, 8, 83, 87 and 111

*Rule on Enforcement of Comprehensive Inspection of Automobiles, Etc.* (Ordinance of the Ministry of Land, Infrastructure and Transport No. 1, March 23, 2013), Article 16

**Description:** Cross-Border Trade in Services

A person that supplies automobile management services (which includes used car sales, maintenance, auto dismantling and recycling services) must establish an office in Korea and register its business with the head of the *si/gun/gu* (municipal authorities), which is subject to an economic needs test, as appropriate.

A person that supplies automobile inspection services that is designated as a “designated inspection facility” must establish an office in Korea.

A person that supplies license plate manufacturing, delivery, and seal services that is designated as a “license plate issuing agency” must establish an office in Korea.

**Sector:** Distribution Services – Wholesale and Retail Distribution of Tobacco and Liquor

**Obligations Concerned:** Market Access (Article 7.4)  
Local Presence (Article 7.5)

**Measures:** *Tobacco Business Act* (Law No. 11690, March 23, 2013), Articles 12, 13 and 16

*Enforcement Decree of the Tobacco Business Act* (Presidential Decree No. 24519, April 26, 2013), Articles 4 and 5

*Enforcement Regulations of the Tobacco Business Act* (Ordinance of the Ministry of Strategy and Finance No. 131, March 3, 2010), Articles 5, 7 and 7-3

*Liquors Act* (Law No. 11873, June 7, 2013), Articles 8 through 10 and 43

*Enforcement Decree of the Liquors Act* (Presidential Decree No. 24638, June 28, 2013), Article 9 and 56

*Notice on Sales of Liquor by Telecommunication Means* (Notice of National Tax Service, No. 2012-68, October 1, 2012) and *Notice on Designation of Zone for Liquor License* (Notice of National Tax Service, No. 2013-15, April 1, 2013)

**Description:** Cross-Border Trade in Services

A person that supplies tobacco wholesale (including importation) or retail distribution services must establish an office in Korea.

Only designated tobacco retailers may sell tobacco to retail buyers. The sale of tobacco to retail buyers by mail or in electronic commerce is prohibited.

The distance between places of business of tobacco retailers must be at least 50 meters.

A person that supplies liquor wholesale distribution services must establish an office in Korea and obtain authorisation from the head of the relevant tax office, which is subject to an economic needs test.

The sale of liquor by telephone or in electronic commerce is prohibited.

<b>Sector:</b>	Agriculture and Livestock
<b>Obligations Concerned:</b>	National Treatment (Article 11.3)
<b>Measures:</b>	Foreign Investment Promotion Act (Law No. 11535, December 11, 2012), Article 4  <i>Enforcement Decree of the Foreign Investment Promotion Act</i> (Presidential Decree No. 24638, June 28, 2013), Article 5  <i>Regulations on Foreign Investment and Introduction of Technology</i> (Notice of the Ministry of Trade, Industry and Energy, No. 2013-37, May 30, 2013), Attached table 2
<b>Description:</b>	<u>Investment</u>  Foreign persons may not:  (a) invest in an enterprise engaged in rice or barley farming; or  (b) hold 50 per cent or more of the equity interest of an enterprise engaged in beef cattle farming.

**Sector:** Business Services – *An-gyung-sa* (Optician and Optometry) Services

**Obligations Concerned:** Market Access (Article 7.4)  
Local Presence (Article 7.5)

**Measures:** *Medical Technicians Act* (Law No. 11860, June 4, 2013), Article 12

*Enforcement Regulations of the Medical Technicians Act* (Ordinance of the Ministry of Health and Welfare No. 193, April 17, 2013), Article 15

**Description:** Cross-Border Trade in Services

Only a natural person that is a licensed *an-gyung-sa* (optician or optometrist) that has established an office in Korea may engage in optician or optometry services.

An *an-gyung-sa* (optician or optometrist) may not establish more than one office.

<b>Sector:</b>	Wholesale and Retail Distribution Services
<b>Obligations Concerned:</b>	Market Access (Article 7.4) Local Presence (Article 7.5)
<b>Measures:</b>	<p><i>Pharmaceutical Affairs Act</i> (Law No. 12074, August 13, 2013), Articles 42 and 45</p> <p><i>Enforcement Decree on the Pharmaceutical Affairs Acts</i> (Presidential Decree No. 24479, March 23, 2013), Article 31-2</p> <p><i>Enforcement Decree on the Standards of Facilities of Manufacturer and Importers of Medicinal Products, Etc.</i> (Presidential Decree No. 24479, March 23, 2013), Article 6</p> <p><i>Supply and Demand of Oriental Medicinal Herbs Regulations</i> (Notice of the Ministry of Health and Welfare, No. 2013-63, April 18, 2013), Articles 4 and 12</p> <p><i>Medical Devices Act</i> (Law No. 12107, August 13, 2013), Article 15</p> <p><i>Enforcement Regulations of the Medical Devices Act</i> (Ordinance of the Prime Minister No. 1016, March 23, 2013), Article 20</p> <p><i>Health Functional Foods Act</i> (Law No. 11508, October 22, 2012), Article 6</p> <p><i>Enforcement Regulations of the Health Functional Foods Act</i> (Ordinance of the Prime Minister No. 1010, March 23, 2013), Articles 2 and 5</p> <p><i>Food Sanitation Act</i> (Law No. 11819, May 22, 2013), Articles 24, 36 and 37</p> <p><i>Enforcement Decree of the Food Sanitation Act</i> (Presidential Decree No. 24800, October 16, 2013), Articles 23 and 24</p> <p><i>Enforcement Regulations of the Food Sanitation Act</i> (Ordinance of the Prime Minister No. 1041, October 25, 2013), Articles 23 and 36 (attached table 14)</p>



*Act on the Control of Narcotics, Etc.* (Law No. 11984, July 30, 2013), Articles 6 and 6-2

**Description:**

Cross-Border Trade in Services

A person that supplies wholesale trade services must establish an office in Korea in order to receive an import business license to supply such services with respect to:

- (a) pharmaceuticals and related items;
- (b) medical devices; or
- (c) health functional foods (including dietary supplements).

To supply the following services a person must establish an office in Korea:

- (a) transportation, sales, and preservation (cold storage) of food and food additives;
- (b) food supply services;
- (c) food inspection services; or
- (d) narcotic drug wholesale and retail distribution services.

The Minister of Health and Welfare controls the supply and demand of the wholesale distribution of imported designated *han-yak-jae* (Asian medicinal herbs).

Certain liquor-selling bars and the wholesale and retail distribution of narcotics require authorisation by the relevant authority.

<b>Sector:</b>	Retail Distribution Services of Pharmaceuticals
<b>Obligations Concerned:</b>	Market Access (Article 7.4) Local Presence (Article 7.5)
<b>Measures:</b>	<i>Pharmaceutical Affairs Act</i> (Law No. 12074, August 13, 2013), Articles 20 and 21  <i>Enforcement Decree on the Pharmaceutical Affairs Act</i> (Presidential Decree No. 24479, March 23, 2013), Article 22-2
<b>Description:</b>	<u>Cross-Border Trade in Services</u>  A person that supplies pharmaceutical product retail distribution services (including distribution of <i>han-yak-jae</i> (Asian medicinal herbs)) must establish a pharmacy in Korea.  That person may not establish more than one pharmacy nor establish a pharmacy in the form of a corporation.

**Sector:** Transportation Services – Rail Transportation and Incidental Services

**Obligations Concerned:** National Treatment (Article 7.2)  
Market Access (Article 7.4)

**Measures:** *Railroad Enterprise Act* (Law No. 11690, March 23, 2013),  
Articles 5, 6 and 12

*Korea Railroad Corporation Act* (Law No. 12025, August 6, 2013), Article 9

*Rail Construction Act* (Law No. 12023, August 6, 2013),  
Article 8

*Framework Act on Rail Industry Development* (Law No. 11690, March 23, 2013), Articles 3, 20, 21, 26 and 38

*Korea Rail Network Authority Act* (Law No. 11690, March 23, 2013), Article 7

**Description:** Cross-Border Trade in Services

The existing regulation broadly states that only juridical persons that have obtained authorisation from the Minister of Land, Infrastructure and Transport may supply railroad transportation services. In practice, however, only juridical persons of Korean nationality (of which shares are 100 per cent owned by the shareholders with Korean nationality) established by a Korean national may supply railroad transportation services on railroad routes constructed on or before June 30, 2005.

Only juridical persons that have obtained authorisation from the Minister of Land, Infrastructure and Transport may supply railroad transportation services on railroad routes constructed on or after July 1, 2005. Such authorisation is subject to an economic needs test.

Only the central or local level of government or the Korea Rail Network Authority may supply rail construction services and maintain and repair government-owned rail facilities (including high-speed rail). However, juridical persons that meet the criteria in the *Private Investment in Social Infrastructure Act* may supply rail construction services.

**Sector:** Transportation Services – Passenger Road Transportation Services (excluding Taxis and Scheduled Passenger Road Transportation Services)

**Obligations Concerned:** Local Presence (Article 7.5)

**Measures:** *Passenger Transport Service Act* (Law No. 12020, August 6, 2013), Articles 4 and 5

*Enforcement Decree of the Passenger Transport Service Act* (Presidential Decree No. 24443, March 23, 2013), Article 3

*Enforcement Regulations of the Passenger Transport Service Act* (Ordinance of the Ministry of Land, Infrastructure and Transport No. 35, November 7, 2013), Article 11

*Tramway Transportation Act* (Law No. 11647, March 22, 2013), Article 4

*Enforcement Regulations of the Tramway Transportation Act* (Ordinance of the Ministry of Land, Infrastructure and Transport No. 1, March 23, 2013), Article 3

**Description:** Cross-Border Trade in Services

A person that supplies passenger road transportation services, excluding taxis and scheduled passenger road transportation services, must establish an office in the *dang-hae-ji-yeok* (relevant geographic area) in Korea.

**Sector:** Transportation Services – International Maritime Cargo  
Transportation and Maritime Auxiliary Services

**Obligations Concerned:** National Treatment (Article 7.2)  
Market Access (Article 7.4)  
Local Presence (Article 7.5)

**Measures:** *Maritime Transportation Act* (Law No. 12092, August 13, 2013), Articles 24 and 33

*Enforcement Regulations of the Maritime Transportation Act* (Ordinance of the Ministry of Oceans and Fisheries No. 1, March 24, 2013), Articles 16, 19, 22 and 23

*Pilotage Act* (Law No. 11690, March 23, 2013), Article 6

*Ship Investment Company Act* (Law No. 11756, April 5, 2013), Articles 3 and 31

**Description:** Cross-Border Trade in Services

A person that engages in international maritime cargo transportation services must be organised as a *Chusik Hoesa* (stock company) in Korea and registered according to the *Maritime Transportation Act*.

A ship investment company must also be organised as a *Chusik Hoesa* (stock company) in Korea and registered according to the *Ship Investment Company Act*.

A person that engages in shipping brokerage services, maritime agency services and vessel maintenance services must be the company as stipulated under the *Korean Commercial Act* and registered according to the *Maritime Transportation Act*.

Only a Korean national may supply maritime pilotage services.

**Sector:** Transportation Services – Air Transportation Services

**Obligations Concerned:** National Treatment (Article 11.3)  
Senior Management and Boards of Directors (Article 11.10)

**Measures:** *Aviation Act* (Law No. 12026, August 6, 2013), Articles 3, 6, 112, 113, 114, 132 and 135

*Enforcement Regulations of the Aviation Act* (Ordinance of the Ministry of Land, Infrastructure and Transport No. 569, February 15, 2013), Articles 14-2, 15, 278, 278-3, 296-2, 298 and 299

**Description:** Investment

The following persons may not supply scheduled or non-scheduled domestic air transportation services or supply international air transportation services as Korean air carriers:

- (a) a foreign national;
- (b) a foreign government or a foreign *gong-gong-dan-che* (organisation for public purposes);
- (c) an enterprise organised under foreign law;
- (d) an enterprise in which any of the persons referred to in subparagraphs (a) through (c) owns half or more than half of the equity interest, or has control; or
- (e) an enterprise organised under Korean law whose *dae-pyo-ja* (for example, a chief executive officer, president, or similar principal senior officer) is a foreign national or half or more of whose senior management are foreign nationals.

A person that is authorised to operate a self-owned or chartered aircraft must register the aircraft with the Minister of Land, Infrastructure and Transport. The persons listed in subparagraphs (a) through (e) are not allowed to register an aircraft.

**Sector:** Transportation Services – Specialty Air Services

**Obligations Concerned:** National Treatment (Articles 7.2 and 11.3)  
Senior Management and Boards of Directors (Article 11.10)  
Local Presence (Article 7.5)

**Measures:** *Aviation Act* (Law No. 12026, August 6, 2013), Articles 3, 6, and 134

*Enforcement Regulations of the Aviation Act* (Ordinance of the Ministry of Land, Infrastructure and Transport No. 569, February 15, 2013), Articles 15-2, 298 and 299-2

**Description:** Cross-Border Trade in Services and Investment

A person that supplies aircraft-*sa-yong* (use) services or such non-scheduled air transportation services as glider towing, parachute jumping, aerial construction, heli-logging, and aerial sightseeing must register its self-owned or chartered aircraft with the Minister of Land, Infrastructure and Transport and establish an office in Korea.

The following persons may not register an aircraft:

- (a) a foreign national;
- (b) a foreign government or a foreign *gong-gong-dan-che* (organisation for public purposes);
- (c) an enterprise organised under foreign law;
- (d) an enterprise in which any of the person referred to in subparagraphs (a) through (c) owns half or more than half of the equity interest, or over which any of those persons has control; or
- (e) an enterprise organised under Korean law whose *dae-pyo-ja* (for example, a chief executive officer, president, or similar principal senior officer) is a foreign national or half or more of whose senior management are foreign nationals.

For the purposes of this entry, aircraft-*sa-yong* (use) services are services using an aircraft, and supplied upon request, for hire, other than for passenger or freight transportation, including aerial fire-fighting, forestry fire management, aerial advertising, flight training, aerial mapping, aerial investigation, aerial spraying, aerial photographing and other aerial agricultural activities, and aerial inspections and observations.



**Sector:** Transportation Services – Road Transportation Support Services

**Obligations Concerned:** Market Access (Article 7.4)  
Local Presence (Article 7.5)

**Measures:** *Passenger Transport Service Act* (Law No. 12020, August 6, 2013), Articles 36 and 37

*Enforcement Regulations of the Passenger Transport Service Act* (Ordinance of the Ministry of Land, Infrastructure and Transport No. 35, November 7, 2013), Article 73

*Parking Lot Service Act* (Law No. 11690, March 23, 2013), Article 12

*Road Traffic Act* (Law No. 12045, August 13, 2013), Article 36

**Description:** Cross-Border Trade in Services

A person that supplies parking lot services, bus terminal operation services, or car towing and storage services must establish a place of business in the relevant geographic area in Korea and obtain an authorisation from the Minister of Land, Infrastructure and Transport, head of local police, or head of *si/gun*, as appropriate, which is subject to an economic needs test. (However, a person that supplies parking lot services must notify a head of *si/gun/gu* of the parking lot establishment).

<b>Sector:</b>	Courier Services
<b>Obligations Concerned:</b>	Market Access (Article 7.4) Local Presence (Article 7.5)
<b>Measures:</b>	<i>Aviation Act</i> (Law No. 12026, August 6, 2013), Article 139  <i>Enforcement Regulations of the Aviation Act</i> (Ordinance of the Ministry of Land, Infrastructure and Transport No. 569, February 15, 2013), Article 306  <i>Trucking Transport Business Act</i> (Law No. 11933, July 16, 2013), Articles 3, 24 and 29  <i>Enforcement Regulations of Truck Transportation Business Act</i> (Ordinance of the Ministry of Land, Infrastructure and Transport No. 19, July 11, 2013), Articles 6, 34 and 41-2

**Description:** Cross-Border Trade in Services

A person that supplies international courier services, including commercial document delivery services, as specified in Article 3 of the *Enforcement Decree of the Postal Services Act*, must establish an office in Korea.

In order to obtain a trucking business license from the Minister of Land, Infrastructure and Transport, a domestic courier services supplier must establish an office in the relevant geographic area. Such a license is subject to the permission standards and an economic needs test of the *Trucking Transport Business Act*.

For greater certainty, a person who acquired an existing domestic courier business under the *Trucking Transport Business Act* does not need to obtain a new trucking business license provided that the acquirer operates under the same terms and conditions as set out in the acquiree's license.

**Sector:** Telecommunications Services

**Obligations Concerned:** National Treatment (Articles 7.2 and 11.3)  
Market Access (Article 7.4)  
Local Presence (Article 7.5)

**Measures:** *Telecommunications Business Act* (Law No. 12035, August 13, 2013), Articles 6, 7, 8, 21 and 87

*Telecommunications Business Act* (Law No. 5385, August 28, 1997), Addenda Article 4

*Radio Waves Act* (Law No. 11712, March 23, 2013), Articles 13 and 20

**Description:** Cross-Border Trade in Services and Investment

A license for facilities-based public telecommunications services or a registration for non-facilities-based public telecommunications services shall be granted only to a juridical person organised under Korean law.

A license for facilities-based public telecommunications services shall not be granted to or held by a juridical person organised under Korean law in which a foreign government, foreign person, or deemed foreign person holds in the aggregate more than 49 per cent of the juridical person's total voting shares.

A foreign government, foreign person, or deemed foreign person may not in the aggregate hold more than 49 per cent of the total voting shares of a facilities-based supplier of public telecommunications services. In addition, with respect to KT Corporation (KT), a foreign government, foreign person, or deemed foreign person may not be the largest shareholder of KT, except if it holds less than five per cent of the total voting shares of KT.

No later than two years after this Agreement enters into force, Korea shall permit:

- (a) a deemed foreign person to hold up to 100 per cent of the total voting shares of a facilities-based supplier of public telecommunications services organised under Korean law, other than KT and SK Telecom Co, Ltd (SK

Telecom); and

- (b) a facilities-based supplier of public telecommunications services organised under Korean law in which a deemed foreign person holds up to 100 per cent of its total voting shares to obtain or hold a license for facilities-based public telecommunications services.

A foreign government, or its representative, or a foreign person may not obtain or hold a radio station license.

A foreign person may not supply cross-border public telecommunications services into Korea, except through a commercial arrangement with a supplier of public telecommunications services that is licensed in Korea.

For the purposes of this entry:

- (a) “deemed foreign person” means a juridical person organised under Korean law in which a foreign government or a foreign person (including a “specially related person” under relevant Korean laws or regulations) is the largest shareholder and holds 15 per cent or more of that juridical person’s total voting shares, but does not include a juridical person that holds less than one per cent of the total voting shares of a facilities-based supplier of public telecommunications services;
- (b) consistent with Article 5.2 of the *Telecommunications Business Act* (Law No. 12035, August 13, 2013), a facilities-based supplier is a supplier that owns transmission facilities;
- (c) consistent with Article 5.3 of the *Telecommunications Business Act* (Law No. 12035, August 13, 2013), a non-facilities-based supplier is a supplier that does not own transmission facilities (but may own a switch, router or multiplexer) and supplies its public telecommunication services through transmission facilities of a licensed facilities-based supplier; and

- (d) consistent with subparagraph 3 of Article 2 of the *Telecommunications Basic Act* (Law No. 11690, March 23, 2013), “transmission facilities” means wireline or wireless transmission facilities (including circuit facilities) that connect transmitting points with receiving points.

**Sector:** Real Estate Brokerage and Appraisal Services

**Obligations Concerned:** Local Presence (Article 7.5)

**Measures:** *Act on Duties of a Licensed Real Estate Broker and Filing of Real Estate Transactions* (Law No. 11866, June 4, 2013), Article 9

*Enforcement Decree of the Act on Duties of a Licensed Real Estate Broker and Filing of Real Estate Transactions* (Presidential Decree No. 24443, March 23, 2013), Article 13

*Enforcement Regulations of the Act on Duties of a Licensed Real Estate Broker and Filing of Real Estate Transactions* (Ordinance of the Ministry of Land, Infrastructure and Transport No. 1, March 23, 2013), Article 4

*Public Notice of Values and Appraisal of Real Estate Act* (Law No. 11690, March 23, 2013), Article 27

*Enforcement Decree of the Public Notice of Values and Appraisal of Real Estate Act* (Presidential Decree No. 23919, June 29, 2012), Articles 65, 66 and 68

*Enforcement Regulations of the Public Notice of Values and Appraisal of Real Estate Act* (Ordinance of the Ministry of Land, Infrastructure and Transport No. 1, March 23, 2013), Articles 25 and 26

**Description:** Cross-Border Trade in Services

A person that supplies real estate brokerage services or real estate appraisal services must establish an office in Korea.

**Sector:** Retail, Leasing, Rental and Repair Services Related to Medical Devices

**Obligations Concerned:** Local Presence (Article 7.5)

**Measures:** *Medical Devices Act* (Law No. 12107, August 13, 2013), Articles 16 and 17

*Enforcement Regulations of the Medical Devices Act* (Ordinance of the Prime Minister No. 1016, March 23, 2013), Articles 22 and 24

**Description:** Cross-Border Trade in Services

A person that supplies retail, leasing, rental, or repair services related to medical devices must establish an office in Korea.

**Sector:** Rental Services – Automobiles

**Obligations Concerned:** Local Presence (Article 7.5)

**Measures:** *Passenger Transport Service Act* (Law No. 12020, August 6, 2013), Articles 28 and 29

*Enforcement Regulations of the Passenger Transport Service Act* (Ordinance of the Ministry of Land, Infrastructure and Transport No. 35, November 7, 2013), Article 60, 61, 62 and 64

**Description:** Cross-Border Trade in Services

A person that supplies automobile rental services must establish an office in Korea.



<b>Sector:</b>	Scientific Research Services
<b>Obligations Concerned:</b>	National Treatment (Articles 7.2 and 11.3)
<b>Measures:</b>	<i>Marine Scientific Research Act</i> (Law No. 12091, August 13, 2013), Articles 6, 7, and 8  <i>Territorial Sea and Contiguous Zone Act</i> (Law No. 10524, April 4, 2011), Article 5
<b>Description:</b>	<u>Cross-Border Trade in Services and Investment</u>

A foreign person, a foreign government, or a Korean enterprise owned or controlled by a foreign person that intends to conduct marine scientific research in the territorial waters, exclusive economic zone or continental shelf of Korea must obtain prior authorisation or consent from the Minister of Oceans and Fisheries whereas a Korean national or a Korean enterprise not owned or controlled by a foreign person need only to provide notification to the Minister of Oceans and Fisheries.

<b>Sector:</b>	Professional Services – Legal Services
<b>Obligations Concerned:</b>	Market Access (Article 7.4) Local Presence (Article 7.5)
<b>Measures:</b>	<p><i>Attorney-at-law Act</i> (Law_No. 11825, May 28, 2013), Articles 4, 7, 21, 21-2, 34, 45, 58-6, 58-22 and 109</p> <p><i>Certified Judicial Scriveners Act</i> (Law No. 8920, March 21, 2008), Articles 2, 3 and 14</p> <p><i>Notary Public Act</i> (Law No. 11823, May 28, 2013), Articles 10, 16 and 17</p>
<b>Description:</b>	<p><u>Cross-Border Trade in Services</u></p> <p>Only a <i>byeon-ho-sa</i> (Korean-licensed lawyer) registered with the Korean Bar Association may supply legal services.</p> <p>Only a <i>byeon-ho-sa</i> (Korean-licensed lawyer) may establish the following types of legal entity: <i>beop-yool-sa-mu-so</i> (law office), <i>beop-mu-beop-in</i> (law company with the characteristics of partnership), <i>beop-mu-beop-in (yoo-han)</i> (limited liability law company), or <i>beop-mu-jo-hap</i> (limited liability partnership law office). For greater certainty, a person that is not a Korean-licensed lawyer is not permitted to invest in any of these types of legal entity.</p> <p>A <i>byeon-ho-sa</i> (Korean-licensed lawyer) or <i>beop-mu-sa</i> (Korean-certified judicial scrivener) who practices in Korea must establish an office in the jurisdiction of the district court in which he or she practices. A <i>gong-jeung-in</i> (Korean notary public) must establish an office in the jurisdiction of the district office of the public prosecutor in which he or she practices.</p> <p>This entry is subject to the commitments undertaken in the entry for Legal Services – Foreign Legal Consultants in the Schedule of Korea to Annex II.</p>

**Sector:** Professional Services – Labor Affairs Consulting Services

**Obligations Concerned:** Local Presence (Article 7.5)

**Measures:** *Certified Labor Affairs Consultant Act* (Law No. 10321, May 25, 2010), Articles 5 and 7-2, 7-3 and 7-4

*Enforcement Decree of the Certified Labor Affairs Consultant Act* (Presidential Decree No. 24447, March 23, 2013), Articles 15 and 19

*Enforcement Regulations of the Certified Labor Affairs Consultant Act* (Ordinance of the Ministry of Employment and Labor No. 78, March 23, 2013), Articles 6 and 10

**Description:** Cross-Border Trade in Services

A person that supplies labor affairs consulting services must establish an office in Korea and be a *gong-in-no-mu-sa* (Korean-licensed labor affairs consultant) registered under the *Certified Labor Affairs Consultant Act*.

For greater certainty, an enterprise that supplies labor affairs consulting services must consist of at least two *gong-in-no-mu-sa* (Korean-licensed labor affairs consultant) (including the natural person who is the founder) and must obtain authorisation from the Minister of Employment and Labor.

<b>Sector:</b>	Professional Services – Patent Attorney ( <i>byeon-ri-sa</i> )
<b>Obligations Concerned:</b>	Market Access (Article 7.4) Local Presence (Article 7.5)
<b>Measures:</b>	<i>Patent Attorney Act</i> (Law No. 11962, July 30, 2013), Articles 3, 5, 6-2 and 6-3
<b>Description:</b>	<p><u>Cross-Border Trade in Services</u></p> <p>Only a <i>byeon-ri-sa</i> (Korean-licensed patent attorney) who is registered with the Korean Intellectual Property Office may supply patent attorney services.</p> <p>Only a <i>byeon-ri-sa</i> (Korean-licensed patent attorney) may establish a <i>gae-in-sa-mu-so</i> (sole proprietorship) or a <i>teuk-heo-beop-in</i> (patent law firm). For greater certainty, a person that is not a Korean-licensed patent attorney may not invest in either of these types of legal entity.</p> <p>A <i>byeon-ri-sa</i> (Korean-licensed patent attorney) may establish only one office.</p>

**Sector:** Professional Services – Accounting and Auditing Services

**Obligations Concerned:** Market Access (Article 7.4)  
Local Presence (Article 7.5)

**Measures:** *Certified Public Accountant Act* (Law No. 10866, July 21, 2011), Articles 2, 7, 12, 18 and 23

*External Audit of Stock Companies Act* (Law No. 11845, May 28, 2013), Article 3

**Description:** Cross-Border Trade in Services

Only *gae-in-sa-mu-so* (sole proprietorships), *gam-sa-ban* (auditing task forces) or *hoe-gye-boep-in* (accounting corporation limited liability companies) established in Korea by *gong-in-hoe-gye-sa* (Korean-certified public accountants) registered under the *Certified Public Accountant Act* may supply accounting and auditing services. For greater certainty, a person that is not a Korean-registered certified public accountant may not invest in any of these types of legal entity.

Only *gong-in-hoe-gye-sa* (Korean-certified public accountants) in an auditing task force or an accounting corporation may supply auditing services regulated under the *External Audit of Stock Companies Act*.

This entry is subject to the commitments undertaken in the entry for Professional Services – Foreign Chartered Accountants in the Schedule of Korea to Annex II.

<b>Sector:</b>	Professional Services – Taxation Services ( <i>se-mu-sa</i> )
<b>Obligations Concerned:</b>	Market Access (Article 7.4) Local Presence (Article 7.5)
<b>Measures:</b>	<i>Certified Tax Accountant Act</i> (Law No. 11610, January 1, 2013), Articles 6, 13, 16-3 and 20  <i>Enforcement Decree of the Corporate Tax Act</i> (Presidential Decree No. 24824, November 5, 2013), Article 97  <i>Guidelines Governing the Work of Tax Agents</i> (Order of the National Tax Service, No. 1761, August 24, 2009), Articles 20 and 22
<b>Description:</b>	<u>Cross-Border Trade in Services</u>  Only <i>se-mu-sa-mu-so</i> (sole proprietorships), <i>se-mu-jo-jeong-ban</i> (tax reconciliation task forces) or <i>se-mu-beop-in</i> (tax agency corporation limited liability companies) established in Korea by <i>se-mu-sa</i> (Korean-certified tax accountants) registered under the <i>Certified Tax Accountant Act</i> may supply <i>se-mu-sa</i> (Korean-certified tax accountants) services, including tax reconciliation services and tax representative services. For greater certainty, a person that is not a Korean-registered certified tax accountant may not invest in any of these types of legal entity.  Only <i>se-mu-jo-jeong-ban</i> (tax reconciliation task forces) or a <i>se-mu-beop-in</i> (tax agency corporation limited liability companies) may supply tax reconciliation services.  This entry is subject to the commitments undertaken in the entry for Professional Services – Foreign Certified Tax Accountants in the Schedule of Korea to Annex II.

<b>Sector:</b>	Professional Services – Customs Clearance Services
<b>Obligations Concerned:</b>	Market Access (Article 7.4) Local Presence (Article 7.5)
<b>Measures:</b>	<i>Customs Broker Act</i> (Law No. 10570, April 8, 2011), Articles 3, 7 and 9
<b>Description:</b>	<u>Cross-Border Trade in Services</u>  Only a <i>gwan-se-sa</i> (customs broker) licensed under the <i>Customs Brokers Act</i> , a corporation incorporated by such customs brokers, or a corporation licensed to engage in the customs-clearance brokerage business under the <i>Customs Broker Act</i> may supply customs-clearance services.  A person that supplies customs-clearance services must establish an office in Korea.

**Sector:** Engineering and Other Technical Services – Industrial Safety, Health Institution, and Consulting Services

**Obligations Concerned:** Local Presence (Article 7.5)

**Measures:** *Industrial Safety and Health Act* (Law No. 11882, June 12, 2013), Articles 15, 16 and 52-4

*Enforcement Decree of the Industrial Safety and Health Act* (Presidential Decree No. 24684, August 6, 2013), Articles 15-2, 15-3, 19-2 and 19-3

*Enforcement Regulations of the Industrial Safety and Health Act* (Ordinance of the Ministry of Employment and Labor No. 86, August 6, 2013), Articles 17, 18, 20, 21 and 136-8

**Description:** Cross-Border Trade in Services

A person that supplies safety and health management or diagnostic services to industrial workplaces must establish an office in Korea.

A person that supplies industrial safety or hygiene consulting services, such as evaluation and instruction on safety in a work process and evaluation and instruction on the improvement of work environments, must establish an office in Korea.



<b>Sector:</b>	Engineering and Other Technical Services – Architectural Services, Engineering Services, Integrated Engineering Services, Urban Planning and Landscape Architectural Services
<b>Obligations Concerned:</b>	Local Presence (Article 7.5)
<b>Measures:</b>	<p><i>Certified Architects Act</i> (Law No. 11690, March 23, 2013), Article 23</p> <p><i>Enforcement Decree of the Certified Architects Act</i> (Presidential Decree No. 24443, March 23, 2013), Articles 22 and 23</p> <p><i>Enforcement Regulations of the Certified Architects Act</i> (Ordinance of the Ministry of Land, Infrastructure and Transport No. 1, March 23, 2013), Article 13</p> <p><i>Engineering Industry Promotion Act</i> (Law No. 12299, January 21, 2014), Article 21</p> <p><i>Professional Engineers Act</i> (Law No. 11690, March 23, 2013), Article 6</p> <p><i>Special Act on the Safety Control of Public Structures</i> (Law No. 11928, July 6, 2013), Article 9</p> <p><i>Enforcement Decree of the Special Act on the Safety Control of Public Structures</i> (Presidential Decree No. 24443, March 23, 2013), Article 11</p> <p><i>Construction Technology Management Act</i> (Law No. 11690, March 23, 2013), Articles 25 and 28</p> <p><i>Enforcement Decree of the Construction Technology Management Act</i> (Presidential Decree No. 24390, February 20, 2013), Articles 91 and 108</p> <p><i>Enforcement Regulations of the Construction Technology Management Act</i> (Ordinance of the Ministry of Land, Infrastructure and Transport No. 4, April 1, 2013), Article 48</p> <p><i>Act on Land Survey, Hydrographic Survey and Cadastral Records</i> (Law No. 11943, July 17, 2013), Articles 44 and 54</p>

*Enforcement Decree of the Act on Land Survey, Hydrographic Survey and Cadastral Records* (Presidential Decree No. 24596, June 11, 2013), Articles 34, 35, 36, 45, 46 and 47

*Environmental Testing and Inspection Act* (Law No. 11690, March 23, 2013), Article 16

*Thermal Spring Management Act* (Law No. 11896, July 16, 2013), Article 7

*Fire Fighting System Installation Business Act* (Law No. 11782, May 22, 2013), Article 4

**Description:**

Cross-Border Trade in Services

A person that supplies architectural services, engineering services, integrated engineering services, urban planning and landscape architectural services, or surveying services must establish an office in Korea.

For greater certainty, this entry does not apply to the supply of services by a foreign licensed architect through a joint contract with a Korean-licensed architect who registered in architectural profession and established an architect's office.

**Sector:** Business Services – Electronic Billboard Operator Services and Outdoor Advertisement Services

**Obligations Concerned:** Performance Requirements (Article 11.9)  
Senior Management and Boards of Directors (Article 11.10)  
Local Presence (Article 7.5)

**Measures:** *Broadcasting Act* (Law No. 12093, August 13, 2013), Articles 13 and 73

*Outdoor Advertisements, Etc. Management Act* (Law No. 11690, March 23, 2013), Article 11

*Enforcement Decree of the Outdoor Advertisements, Etc. Management Act* (Presidential Decree No. 24632, June 21, 2013), Articles 14 and 44

**Description:** Cross-Border Trade in Services and Investment

A foreign national or a Korean national who serves as a *dae-pyo-ja* (for example, a chief executive officer, president, or similar principal senior officer) of a foreign enterprise may not serve as the *dae-pyo-ja* (for example, a chief executive officer, president, or similar principal senior officer) or chief programmer of an enterprise that supplies electronic billboard operator services.

At least 20 per cent of the electronic billboard programs must be non-commercial public advertisements provided by the central or local government.

A person that supplies outdoor advertising services must establish an office in Korea.

**Sector:** Business Services – Job Placement Services, Labor Supply and Worker Dispatch Services, and Education Services for Seafarers

**Obligations Concerned:** National Treatment (Articles 7.2 and 11.3)  
Market Access (Article 7.4)  
Local Presence (Article 7.5)

**Measures:** *Employment Security Act* (Law No.11048, September 15, 2011), Articles 19 and 33

*Enforcement Decree of the Employment Security Act* (Presidential Decree No. 24076, August 31, 2012), Articles 21 and 33

*Enforcement Regulations of the Employment Security Act* (Ordinance of the Ministry of Employment and Labor No. 72, December 27, 2012), Articles 18 and 36

*Act Relating to Protection for Dispatched Workers* (Law No. 11668, March 22, 2013), Articles 7, 8, 9 and 10

*Enforcement Decree of the Act Relating to Protection for Dispatched Workers* (Presidential Decree No. 23853, June 12, 2012), Article 3

*Enforcement Regulations of the Act Relating to Protection for Dispatched Workers* (Ordinance of the Ministry of Employment and Labor No. 64, August 2, 2012), Article 3, 4 and 5

*Special Act on Designation and Management of Free Economic Zones* (Law No. 11690, March 23, 2013), Article 17

*Seafarers Act* (Law No. 11690, March 23, 2013), Articles 109, 110, 112, 115, 116, 117, 142 and 143

*Korea Institute of Maritime and Fisheries Technology Act* (Law No. 11690, March 23, 2013), Article 5

**Description:** Cross-Border Trade in Services and Investment

A person that supplies job placement services for a fee, worker supply services, or worker dispatch (secondment) services must establish an office in Korea.

For transparency purposes, as of 29 October 2013 the types of business to which workers may be seconded are limited to the 32 businesses set forth in the Presidential Decree, but the Minister of Employment and Labor can expand the types of business and the secondment period, pursuant to the review and determination by the Committee of the Free Economic Zone.

Only the Korea Seafarers Welfare and Employment Center and regional offices of the Minister of Oceans and Fisheries may supply seafaring labor supply services.

In order to become an agent for seafarer personnel management services, a person must register with the Minister of Oceans and Fisheries as a stock company under the Korean Commercial Code.

Only the Korea Institute of Maritime and Fisheries Technology may provide education and training for seafarers.

<b>Sector:</b>	Investigation and Security Services
<b>Obligations Concerned:</b>	Market Access (Article 7.4) Local Presence (Article 7.5)
<b>Measures:</b>	<i>Certified Private Security Act</i> (Law No. 11690, March 23, 2013), Articles 3 and 4  <i>Enforcement Decree of the Certified Private Security Act</i> (Presidential Decree No. 24419, March 23, 2013), Articles 3 and 4  <i>Enforcement Regulations of the Certified Private Security Act</i> (Ordinance of the Ministry of Security and Public Administration, No. 20, October 22, 2013), Article 3
<b>Description:</b>	<u>Cross-Border Trade in Services</u>  Only a juridical person organised under Korean law may supply security services in Korea.  For transparency purposes, only five types of security services are permitted in Korea: <ul style="list-style-type: none"> <li>(a) <i>shi-seol-gyung-bee</i> (facility security);</li> <li>(b) <i>ho-song-gyung-bee</i> (escort security);</li> <li>(c) <i>shin-byun-bo-ho</i> (personal security);</li> <li>(d) <i>gee-gye-gyung-bee</i> (mechanised security); and</li> <li>(e) <i>teuk-soo-gyung-bee</i> (special security).</li> </ul>

**Sector:** Distribution Services Related to Publications

**Obligations Concerned:** National Treatment (Article 7.2)

**Measures:** *Publication Cultural Industry Promotion Act* (Law No. 11048, September 15, 2011), Articles 18, 19 and 19-3

*Enforcement Decree of the Publication Cultural Industry Promotion Act* (Presidential Decree No. 24020, August 3, 2012), Article 12

*Enforcement Regulations of the Publication Cultural Industry Promotion Act* (Ordinance of the Ministry of Culture, Sports and Tourism No. 121, July 27, 2012), Article 7

**Description:** Cross-Border Trade in Services

Publications for the purpose of domestic distribution are subject to a review process on an *ad hoc* basis.

**Sector:** Transportation Services – Aircraft Maintenance and Repair Services

**Obligations Concerned:** Local Presence (Article 7.5)

**Measures:** *Aviation Act* (Law No. 12026, August 6, 2013), Articles 137, 137-2, and 138

*Enforcement Regulations of the Aviation Act* (Ordinance of the Ministry of Land, Infrastructure and Transport No. 569, February 15, 2013), Articles 16, 304 and 305

**Description:** Cross-Border Trade in Services

A person that supplies aircraft maintenance and repair services must establish an office in Korea.



<b>Sector:</b>	Education Services – Higher Education
<b>Obligations Concerned:</b>	National Treatment (Articles 7.2 and 11.3) Market Access (Article 7.4) Senior Management and Boards of Directors (Article 11.10)
<b>Measures:</b>	<i>Higher Education Act</i> (Law No. 12036, August 13, 2013), Articles 3, 4, 32, 42 and 43  <i>Enforcement Decree of the Higher Education Act</i> (Presidential Decree No. 24847, November 20, 2013), Article 28  <i>Private School Act</i> (Law No. 11622, January 23, 2013), Articles 3, 5, 10 and 21  <i>Enforcement Decree of the Private School Act</i> (Presidential Decree No. 24665, July 22, 2013), Article 9-3  <i>Decree on the Establishment of the Korea National Open University</i> (Presidential Decree No. 24423, March 23, 2013), Articles 1 and 2

**Description:** Cross-Border Trade in Services and Investment

Half or more of the members of the board of directors of a private higher education institution must be Korean nationals. If a foreign person or foreign juridical person contributes half or more of the basic property of a higher education institution, up to but not including two-thirds of the members of the board of directors of such an institution may be foreign nationals.

For the purposes of this entry, “basic property of higher education institution” means real estate, property designated as basic property by the articles of association, property incorporated into the basic property according to decisions of the board of directors, and an annual budgetary surplus reserve of the institution.

Only non-profit school juridical persons approved by the Minister of Education may establish higher education institutions (other than the types of institutions listed in the Schedule of Korea to Annex II) in Korea.

The Minister of Education may restrict the total number of students per year in the fields of medicine, pharmacology, veterinary medicine, traditional Asian medicine, medical technicians, and higher education for pre-primary, primary, and secondary teachers, and higher education institutions located in the Seoul Metropolitan Area.

For the purposes of this entry, “Seoul Metropolitan Area” includes the Seoul Metropolitan City, Incheon Metropolitan City, and Gyeonggi Province.

Only the central or local governments of Korea may establish higher education institutions for training of primary school teachers. Only the central government of Korea may establish higher education institutions that supply higher education services to the public through broadcasting.

**Sector:** Education Services – Adult Education

**Obligations Concerned:** National Treatment (Articles 7.2 and 11.3)  
Market Access (Article 7.4)

**Measures:** *Act on the Establishment and Operation of Private Teaching Institutes and Extracurricular Lessons* (Law No. 11690, March 23, 2013), Articles 2, 2-2 and 13

*Enforcement Decree of the Act on the Establishment and Operation of Private Teaching Institutes and Extracurricular Lessons Act* (Presidential Decree No. 24423, March 23, 2013), Article 12

*Lifelong Education Act* (Law No. 11770, May 22, 2013), Articles 30, 33 through 38

*Foreign Investment Promotion Act* (Law No. 11535, December 11, 2012), Article 4

*Regulations on Foreign Investment and Introduction of Technology* (Notice of the Ministry of Trade, Industry and Energy No. 2013-37, May 30, 2013), Attached table 1

**Description:** Cross-Border Trade in Services and Investment

The types of adult education institutions that a foreign person may establish in Korea are limited to:

- (a) *hag-won* (private teaching institutes for adults) related to lifelong and vocational education; and
- (b) no later than the date this Agreement enters into force, lifelong adult education facilities operated for purposes other than recognising educational qualifications or conferring diplomas, which include:
  - (i) education facilities annexed to workplaces, non-governmental organisations, schools and media organisations;
  - (ii) educational facilities related to the development of knowledge and

human resources; and

(iii) online lifelong education facilities,

all of which are established for adults.

For the purposes of this entry, *hag-won* (private teaching institutes for adults) are facilities that provide tutoring services on subjects related to lifelong or vocational education to 10 people or more for a period of 30 days or longer.

A foreign national hired by a private teaching institute for adults as a lecturer must possess at least a bachelor's degree or the equivalent and reside in Korea.

**Sector:** Education Services – Vocational Competency Development Training Services

**Obligations Concerned:** Local Presence (Article 7.5)

**Measures:** *Workers’ Vocational Competency Development Act* (Law No. 11690, March 23, 2013), Articles 28, 32 and 36

*Enforcement Decree of the Workers’ Vocational Competency Development Act* (Presidential Decree No. 24628, June 21, 2013), Articles 24 and 26

*Enforcement Regulation of the Workers’ Vocational Competency Development Act* (Ordinance of the Ministry of Employment and Labor No. 57, June 8, 2012), Articles 12, 14 and 18

**Description:** Cross-Border Trade in Services

A person that supplies vocational competency development training services must establish an office in Korea.

<b>Sector:</b>	Veterinary Services
<b>Obligations Concerned:</b>	Market Access (Article 7.4) Local Presence (Article 7.5)
<b>Measures:</b>	<i>Veterinary Affairs Act</i> (Law No. 11354, February 22, 2012), Articles 17, 22-2, 22-4 and 22-5  <i>Civil Act</i> (Law No. 11728, April 5, 2013), Article 32
<b>Description:</b>	<u>Cross-Border Trade in Services</u>  Only a person that is a licensed <i>soo-eui-sa</i> (veterinarian) that has established an office in Korea, <i>dong-mul-jin-ryo-bub-in</i> (animal hospital legal entity) or <i>bee-young-ri-bub-in</i> (non-profit legal entity) may engage in veterinary or aquatic animal disease inspection services.

**Sector:** Environmental Services – Waste Water Treatment Services, Waste Management Services, Air Pollution Treatment Services, Environmental Preventive Facilities Business, Environmental Impact Assessment, Soil Remediation and Groundwater Purification Services, and Toxic Chemical Control Services

**Obligations Concerned:** Local Presence (Article 7.5)

**Measures:** *Water Quality and Ecosystem Conservation Act* (Law No. 11915, July 16, 2013), Article 62

*Support for Environmental Technology and Environmental Industry Act* (Law No. 11713, March 23, 2013), Article 15

*Soil Environment Conservation Act* (Law No. 11464, June 1, 2012), Article 23-7

*Groundwater Act* (Law No. 11803, May 22, 2013), Article 29-2

*Clean Air Conservation Act* (Law No. 11750, April 5, 2013), Article 68

*Environmental Impact Assessment Act* (Law No. 11690, March 23, 2013), Article 54

*Toxic Chemicals Control Act* (Law No. 11690, March 23, 2013), Article 20

*Wastes Control Act* (Law No. 11965, July 30, 2013), Article 25

*Enforcement Decree of the Wastes Control Act* (Presidential Decree No. 24543, May 28, 2013), Article 8

**Description:** Cross-Border Trade in Services

A person that supplies the environmental services listed in the Sector heading must establish an office in Korea.

<b>Sector:</b>	Performance Services
<b>Obligations Concerned:</b>	National Treatment (Article 7.2)
<b>Measures:</b>	<p><i>Public Performance Act</i> (Law No. 11048, September 15, 2011), Articles 6 and 7</p> <p><i>Enforcement Decree of the Public Performance Act</i> (Presidential Decree No. 23759, May 1, 2012), Articles 4 and 6</p> <p><i>Enforcement Regulations of the Public Performance Act</i> (Ordinance of the Ministry of Culture, Sports and Tourism No. 94, November 25, 2011), Article 4</p> <p><i>Enforcement Regulations of the Immigration Control Act</i> (Ordinance of the Ministry of Justice No. 799, October 10, 2013), Table 5</p>
<b>Description:</b>	<p><u>Cross-Border Trade in Services</u></p> <p>A foreign person who intends to engage in a public performance in Korea, or a person who intends to invite a foreign person to engage in a public performance in Korea must obtain a recommendation from the Korea Media Rating Board.</p>



<b>Sector:</b>	News Agency ( <i>News-tong-sin-sa</i> ) Services
<b>Obligations Concerned:</b>	National Treatment (Articles 7.2 and 11.3) Senior Management and Boards of Directors (Article 11.10) Market Access (Article 7.4) Local Presence (Article 7.5)
<b>Measures:</b>	<i>Act on Promotion of News Communication</i> (Law No. 11690, March 23, 2013), Articles 7, 8, 9, 9-5, 16 and 28  <i>Enforcement Decree of the Act on Promotion of News Communications</i> (Presidential Decree No. 24183, November 20, 2012), Articles 4 and 10  <i>Radio Waves Act</i> (Law No. 11712, March 23, 2013), Article 20
<b>Description:</b>	<u>Cross-Border Trade in Services and Investment</u>

A *news-tong-sin-sa* (news agency) organised under foreign law may supply *news-tong-sin* (news communications) in Korea only under a contract with a news agency organised under Korean law which has a radio station license, such as Yonhap News.

The following persons may not supply news agency services in Korea:

- (a) a foreign government;
- (b) a foreign person;
- (c) an enterprise organised under Korean law whose *dae-pyo-ja* (for example, a chief executive officer, president, or similar principal senior officer) is not a Korean national or is a person not domiciled in Korea; or
- (d) an enterprise organised under Korean law in which a foreign person holds 25 per cent or more of share or equity interest.

The following persons may not serve as a *dae-pyo-ja* (for example, a chief executive officer, president, or similar

principal senior officer) or editor of a news agency, or serve as *im-won* (a member of the board of directors) of Yonhap News or the News Agency Promotion Committee:

- (a) a foreign national; or
- (b) a Korean national not domiciled in Korea.

A foreign news agency may establish a branch or office in Korea for the sole purpose of collecting news. For greater certainty, such branch or office may not distribute *news-tong-sin* (news communications) in Korea.

The following persons may not obtain a radio station license:

- (a) a foreign national;
- (b) a foreign government or its representative; or
- (c) an enterprise organised under foreign law.

**Sector:** Manufacturing of Biological Products

**Obligations Concerned:** Performance Requirements (Article 11.9)

**Measures:** *Pharmaceutical Affairs Act* (Law No. 12074, August 13, 2013), Article 42  
*Regulations on Safety of Pharmaceuticals, Etc* (Ordinance of the Prime Minister No. 1022, March 23, 2013), Article 11

**Description:** Investment  
A person who manufactures blood products must procure raw blood materials from a blood management body in Korea.

**Sector:** Publishing of Periodicals (Excluding Newspapers)

**Obligations Concerned:** National Treatment (Articles 7.2 and 11.3)  
Senior Management and Boards of Directors (Article 11.10)  
Market Access (Article 7.4)  
Local Presence (Article 7.5)

**Measures:** *Act on the Promotion of Periodicals including Magazine, Etc.* (Law No. 11690, March 23, 2013), Articles 20 and 29

*Enforcement Decree of Act on the Promotion of Periodicals including Magazine, Etc.* (Presidential Decree No. 23807, May 23, 2012), Articles 17 through 20

**Description:** Cross-Border Trade in Services and Investment

A person who is not a Korean national must not be the publisher or the editor-in-chief of an enterprise that publishes periodicals.

The following persons may not publish periodicals in Korea:

- (a) a foreign government or a foreign person;
- (b) an enterprise organised under Korean law whose *dae-pyo-ja* (for example, a chief executive officer, president, or similar principal senior officer) is not a Korean national; or
- (c) an enterprise organised under Korean law in which a foreign person holds 50 per cent or more of share or equity interest.

A foreign person that publishes periodicals may establish a branch or office in Korea subject to authorisation from the Minister of Culture, Sports and Tourism. From the date this Agreement enters into force, such branch or office may print and distribute its periodicals in Korea in the original language, provided that such periodicals are edited in the territory of Australia.

<b>Sector:</b>	Distribution Services – Agriculture and Livestock
<b>Obligations Concerned:</b>	National Treatment (Articles 7.2 and 11.3) Market Access (Article 7.4)
<b>Measures:</b>	<p><i>Grain Management Act</i> (Law No. 11641, March 22, 2013), Article 12</p> <p><i>Livestock Industry Act</i> (Law No. 11690, March 23, 2013), Articles 30 and 34</p> <p><i>Seed Industry Act</i> (Law No. 11704, March 23, 2013), Article 142</p> <p><i>Feed Management Act</i> (Law No. 11690, March 23, 2013), Article 6</p> <p><i>Ginseng Industry Act</i> (Law No. 11690, March 23, 2013), Article 20</p> <p><i>Foreign Investment Promotion Act</i> (Law No. 11535, December 11, 2012), Article 4</p> <p><i>Enforcement Decree of the Foreign Investment Promotion Act</i> (Presidential Decree No. 24638, June 28, 2013), Article 5</p> <p><i>Regulations on Foreign Investment and Introduction of Technology</i> (Notice of the Ministry of Trade, Industry and Energy, No. 2013-37, May 30, 2013), Attached table 2</p> <p><i>Act on Distribution and Price Stabilization of Agricultural and Fishery Products</i> (Law No. 12059, August 13, 2013), Articles 15, 17 and 43</p> <p><i>Notice on TRQ Products</i> (Ministry of Agriculture, Food and Rural Affairs Notice No. 2013-29, May 16, 2013), Articles 14 and 20-2</p>
<b>Description:</b>	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>A foreign person may not hold 50 per cent or more of the shares or equity interest of an enterprise engaged in <i>yook-ryu</i> (meat) wholesaling.</p> <p>Only the Livestock Cooperatives under the <i>Agriculture</i></p>

*Cooperative Act* may establish and manage a *ga-chook-sijang* (livestock market) in Korea.

Only a local government may establish a *gong-yeong-domae-sijang* (public wholesale market).

Only producers' organisations or public interest corporations prescribed in the *Enforcement Decree of the Act on Distribution and Price Stabilization of Agricultural and Fishery Products* may establish a *gong-pan-jang* (joint wholesale market).

For greater certainty, Articles 7.2 (National Treatment) and 7.4 (Market Access) do not prevent Korea from adopting or maintaining any measure with respect to the administration of the WTO Tariff-Rate-Quota.

<b>Sector:</b>	Communication Services – Broadcasting Services
<b>Obligations Concerned:</b>	National Treatment (Articles 7.2 and 11.3) Performance Requirement (Article 11.9) Senior Management and Boards of Directors (Article 11.10) Market Access (Article 7.4) Local Presence (Article 7.5)
<b>Measures:</b>	<i>Broadcasting Act</i> (Law No. 12093, August 13, 2013) Articles 8, 9, 12, 13 through 18, 48, and 69 through 71  <i>Enforcement Decree of the Broadcasting Act</i> (Presidential Decree No. 24763, September 26, 2013), Article 57  <i>Korea Educational Broadcasting Corporation Act</i> (Law No. 12093, August 13, 2013), Article 11
<b>Description:</b>	<u>Cross-Border Trade in Services and Investment</u>  Neither a foreign national nor a Korean national who serves as a <i>dae-pyo-ja</i> (for example, a chief executive officer, president, or similar principal senior officer) of a foreign enterprise may serve as a <i>dae-pyo-ja</i> (for example, a chief executive officer, president, or similar principal senior officer) or chief programmer of a terrestrial broadcaster, satellite broadcasting operator, cable system operator, program provider, signal transmission network business operator, audio cable operator, or relay-only cable operator.  All members of the boards of directors of the Korea Broadcasting System (KBS) and the Korea Educational Broadcasting System (EBS) must be Korean nationals.  A license for a terrestrial broadcaster, cable system operator, satellite broadcasting operator, signal transmission network business operator, or a program provider may only be granted to or held by the Government of Korea, a local government, or a juridical person organised under Korean law.  A license for a relay-only cable operator or an audio cable operator may only be granted to or held by the Government of Korea, a local government, or a Korean person.

A license for a terrestrial broadcaster, relay-only cable operator, cable system operator, satellite broadcasting operator, or a program provider that is engaged in *jong-hap-pyeon-sung* (multi-genre programming), home shopping, or *bo-do* (news reporting) is granted through *heo-ga* (permission), whereas a license for a signal transmission network business operator, audio cable operator or a program provider that is not engaged in *jong-hap-pyeon-sung* (multi-genre programming), home shopping, or *bo-do* (news reporting) is granted through *deung-rok* (registration).

A foreign government, foreign person, or deemed foreign person may not hold:

- (a) an equity interest in a terrestrial broadcaster, relay-only cable operator, or program provider that is engaged in *jong-hap-pyeon-sung* (multi-genre programming) or *bo-do* (news reporting);
- (b) in the aggregate more than 33 per cent of the total issued stocks or equity interest of a satellite broadcasting operator; or
- (c) in the aggregate more than 49 per cent of the total issued stocks or equity interest of a cable system operator, a signal transmission network business operator, or a program provider that is not engaged in *jong-hap-pyeon-sung* (multi-genre programming) or *bo-do* (news reporting).

For transparency purposes, no single person (including “specially related person” under Article 3 of the *Enforcement Decree of the Broadcasting Act*) may hold in the aggregate more than 30 per cent of the total issued stocks or equity interest of a terrestrial broadcaster or a program provider that is engaged in *jong-hap-pyeon-sung* (multi-genre programming) or *bo-do* (news reporting), unless such broadcaster primarily provides religious or missionary content. Such limitations do not apply to the Government of Korea and a corporation established by a special law (for example, Mun-hwa Broadcasting Corporation (MBC), which is established under *the*



*Foundation for Broadcast Culture Act*).

A terrestrial broadcaster, program provider, cable system operator, or satellite broadcasting operator must include Korean content of at least the ratio publicly notified by the Korea Communications Commission, within the limit referred to in the following subparagraphs:

- (a) in the case of a terrestrial broadcaster or program provider that uses terrestrial broadcasting to provide its programming, not less than 60 per cent but not more than 80 per cent of the quarterly programming hours per channel;
- (b) in the case of a cable system operator or a satellite broadcasting operator, not less than 40 per cent but not more than 70 per cent of the quarterly programming hours per channel; and
- (c) in the case of a program provider that does not use terrestrial broadcasting to provide its programming, not less than 20 per cent but not more than 50 per cent of the quarterly programming hours per channel.

A broadcaster must include domestically produced movies, animations and popular music of at least the ratio publicly notified by the Korea Communications Commission, within the limit referred to in the following subparagraphs:

- (a) movies: not less than 20 but not more than 40 per cent of the yearly programming hours of the channel concerned;
- (b) animations: not less than 30 but not more than 50 per cent of the yearly programming hours of the channel concerned; and
- (c) popular music: not less than 50 but not more than 80 per cent of the yearly programming hours of the channel concerned.

However, a broadcaster engaged in specialised programming pertaining to religion or education must include domestically produced movies and animations of

at least the ratio publicly notified by the Korea Communications Commission, within the limit of not more than 40 per cent of the yearly programming hours of movies or animations of the channel concerned.

Korea shall permit no more than 60 per cent of a terrestrial broadcaster's, cable system operator's, satellite broadcasting operator's, or program provider's quarterly programming hours of foreign content per genre to be foreign content of a single country (single-country content ceiling).

For the purposes of this entry:

- (a) “program provider engaged in *jong-hap-pyeon-sung* (multi-genre programming)” means a program provider that offers a combination of news, entertainment, drama, movies, music programming, etc.;
- (b) “deemed foreign person” means a juridical person organised under Korean law in which a foreign government or a foreign person holds in the aggregate more than 50 per cent of the juridical person's total issued stocks or equity interest, or whose largest shareholder is a foreign government or a foreign person; and
- (c) a “satellite broadcasting operator” includes an operator that uses or leases capacity on a satellite registered in a foreign country.

**Sector:** Energy Industry – Electric Power Generation Other Than Nuclear Power Generation; Electric Power Transmission, Distribution and Sales

**Obligations Concerned:** National Treatment (Article 11.3)<sup>1</sup>

**Measures:** *Financial Investment Services and Capital Markets Act* (Law No. 11845, May 28, 2013), Article 168

*Enforcement Decree of the Financial Investment Services and Capital Markets Act* (Presidential Decree No. 24697, August 27, 2013), Article 187

*Foreign Investment Promotion Act* (Law No. 11535, December 11, 2012), Articles 4 and 5

*Enforcement Decree of the Foreign Investment Promotion Act*, (Presidential Decree No. 24638, June 28, 2013), Article 5

*Consolidated Public Notice for Foreign Investment* (Public Notice of the Ministry of Trade, Industry and Energy No. 2013-102, May 27, 2013), Attached Table

*Designation of Public Corporation* (Notice of the Ministry of Finance and Economy, No. 2000-17, September 28, 2000)

*Financial Investment Service Regulations* (Financial Services Commission Notice No. 2013-40, December 4, 2013), Article 6-2

**Description:** Investment

The aggregate foreign share of KEPCO's issued stocks may not exceed 40 per cent. A foreign person may not become the largest shareholder of KEPCO.

The aggregate foreign share of power generation facilities, including cogeneration facilities of heat and power (GHP) for the district heating system (DHS), may not exceed 30 per cent of the total facilities in the territory of Korea.

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<sup>1</sup> Paragraph (a) of the 10<sup>th</sup> entry of Korea's Schedule to Annex II does not apply to this entry.

The aggregate foreign share of electric power transmission, distribution and sales businesses should be less than 50 per cent. A foreign person may not be the largest shareholder.

<b>Sector:</b>	Energy Industry – Gas Industry
<b>Obligations Concerned:</b>	National Treatment (Article 11.3) <sup>2</sup>
<b>Measures:</b>	<p><i>Act on the Improvement of Managerial Structure and Privatization of Public Enterprises</i> (Law No. 11845, May 28, 2013), Article 19</p> <p><i>Financial Investment Services and Capital Markets Act</i> (Law No. 11845, May 28, 2013), Article 168</p> <p><i>Foreign Investment Promotion Act</i> (Law No. 11535, December 11, 2012), Articles 4 and 5</p> <p><i>Articles of Incorporation of the Korea Gas Corporation</i> (August 9, 2013), Article 11</p>
<b>Description:</b>	<p><u>Investment</u></p> <p>Foreign persons may not own in the aggregate more than 30 per cent of the equity of KOGAS.</p>

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<sup>2</sup> Paragraph (a) of the 10<sup>th</sup> entry of Korea's Schedule to Annex II does not apply to this entry.

<b>Sector:</b>	Recreational, Cultural, and Sporting Services – Motion Picture Projection Services
<b>Obligations Concerned:</b>	Performance Requirements (Article 11.9) Market Access (Article 7.4)
<b>Measures:</b>	<i>Act on Promotion of Motion Pictures and Video Products</i> (Law No. 11902, July 16, 2013), Articles 2, 27 and 40  <i>Enforcement Decree of the Act on Promotion of Motion Pictures and Video Products</i> (Presidential Decree No. 24036, August 13, 2012), Article 19
<b>Description:</b>	<u>Cross-Border Trade in Services and Investment</u>  Cinema operators must project Korean motion pictures for at least 73 days per year at each screen in Korea.