

**ANNEX 8-D**

**SCHEDULE OF SPECIFIC COMMITMENTS  
VIET NAM<sup>1</sup>**

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<sup>1</sup> For the purposes of this Agreement, nothing in a Party's Schedule of Specific Commitments annexed to Chapter on Trade in Services shall be construed to offer the other Party any treatment less favorable than the respective treatment in the corresponding Schedule of Specific Commitments annexed to *ASEAN-Korea Trade in Services Agreement under the Framework Agreement on Comprehensive Economic Cooperation among the Governments of the Member Countries of the Association of Southeast Asian Nations and the Republic of Korea*.

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>I. HORIZONTAL COMMITMENTS</b>			
ALL SECTORS INCLUDED IN THIS SCHEDULE	(3) None, except:  Unless otherwise specified in each specific sector or sub-sector of this Schedule, foreign enterprises are allowed to establish commercial presence in Viet Nam in the form of business co-operation contract <sup>2</sup> , joint venture enterprise, 100% foreign-invested enterprise.	(3) None, except:  Representative offices of foreign service suppliers are permitted to be established in Viet Nam, but they shall not engage in any direct profit-making activities <sup>3</sup> .  Unless otherwise indicated in each specific sector or sub-sector of this Schedule, the establishment of branches is unbound.	(3) Eligibility for subsidies may be limited to Vietnamese service suppliers, i.e. to juridical persons established within the territory of Viet Nam, or a part thereof. The granting of one-time subsidization to promote and facilitate the process of equitization is not in breach of this commitment. Unbound for subsidies for Research and Development; Unbound for subsidies in the Health, Education and Audio-visual sectors. Unbound for subsidies aimed at promoting the welfare and employment of ethnic minorities.
	The conditions of ownership, operation and juridical form and scope of activities as set out in the respective licenses or other form of approval establishing or authorizing the operation or supply of services by an existing foreign service supplier shall not be made more restrictive than they exist as of the date of entry into force of this		

<sup>2</sup> Business co-operation contract is a document which is signed by two or more parties (of which at least one party must be Vietnamese legal entity and one party must be foreign legal entity) and which stipulates the responsibilities of, and the sharing of business results between, the parties for the purpose of conducting investment and business in Viet Nam without creating a legal entity.

<sup>3</sup> Representative office is a subordinate unit of foreign enterprises, established under the Vietnamese law in order to seek, promote trade and tourism opportunities but is not allowed to engage in any direct profit-making activities.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Sectors and sub-sectors			
	Agreement.  Foreign-invested enterprises shall be permitted by competent authorities of Viet Nam to lease the land to carry out their investment projects. The land leasing period shall correspond to the time of operation of those enterprises and shall be stipulated in their investment licenses and shall be extended whenever the time of operation of those enterprises is extended by competent authorities.		
Foreign service suppliers are permitted to make capital contribution in the form of buying shares of Viet Nam's enterprises. In case of capital contribution in the form of buying shares of joint-stock commercial banks and for the sectors not committed in this Schedule, the total equity held by foreign investors in each enterprise may not exceed 30% of the enterprise's chartered capital unless otherwise provided by Viet Nam's laws or authorized by Viet Nam's competent authority.	Foreign service suppliers are permitted to make capital contribution in the form of buying shares of Viet Nam's enterprises. In case of capital contribution in the form of buying shares of joint-stock commercial banks and for the sectors not committed in this Schedule, the total equity held by foreign investors in each enterprise may not exceed 30% of the enterprise's chartered capital unless otherwise provided by Viet Nam's laws or authorized by Viet Nam's competent authority.		
For the other sectors and sub-sectors committed in this Schedule, the level of equity held by foreign investors in acquisition of Vietnamese enterprises shall be corresponding to the limitations on foreign capital participation set forth therein, if any, including the limitations in the form of			

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Sectors and sub-sectors			
	<p>(4) Unbound, except measures relating to entry and temporary stay of natural persons who fall in one of the following categories:</p> <p>(a) <u>Intra-corporate transferees</u></p> <p>Managers, executives and specialists, as defined hereunder, of a foreign enterprise which has established a commercial presence in the territory of Viet Nam, temporarily moving as intra-corporate transferees to that commercial presence and who have been previously employed by the foreign enterprise for at least one year, shall be granted entry and a stay permit for an initial period of three years which may be extended subject to the term of operation of those entities in Viet Nam. At least 20% of the total number of managers, executives and specialists shall be Vietnamese nationals. However, a minimum of 3 non-Vietnamese managers, executives and specialists shall be permitted per enterprise.</p> <p>Managers and executives are those who primarily direct the management of the foreign enterprises which have established commercial presence in Viet Nam, receiving only general supervision</p>	<p>(4) Unbound, except as indicated in market access column.</p>	

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<p><b>Sectors and sub-sectors</b></p>	<p>or direction from the board of directors or stockholders of the business or their equivalent, including directing the establishment or a department or subdivision of the establishment, supervising and controlling the work of other supervisory, professional or managerial employees, having the authority personally to hire and fire or recommend hiring, firing or other personnel actions, and who do not directly perform tasks concerning the actual supply of the services of the establishment.</p>		

<u>Sectors and sub-sectors</u>	<u>Limitations on Market Access</u>	<u>Limitations on National Treatment</u>	<u>Additional Commitments</u>
(b) Other personnel	Managers, executives and specialists, as defined in (a) above, who cannot be substituted by Vietnamese and who are employed outside Viet Nam's territory by a foreign enterprise which has established a commercial presence in the territory of Viet Nam with a view to participating in the foreign enterprise's activities in Viet Nam, shall be granted entry and a stay permit in conformity with the term of the concerned employment contract or for an initial period of three years whichever is shorter, which may be extended subject to the employment contract between them and the commercial presence.		
(c) Service sales persons	Persons not based in the territory of Viet Nam and receiving no remuneration from a source located within Viet Nam, and who are engaged in activities related to representing a service provider for the purpose of negotiating for the sale of the services of that provider where: (i) such sales are not directly made to the general public; and (ii) the salesperson is not directly engaged in supplying the service. The stay of these salespersons is limited to a 90-day period.		

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Sectors and sub-sectors	(d) Persons responsible for setting up a commercial presence		
	<p>Managers and executives (as defined in (a) above) within a juridical person, who are responsible for the setting up, in Viet Nam, of a commercial presence of a service provider of a Party when (i) these people are not engaged in making direct sales or supplying services; and (ii) the service provider has its principal place of business in the territory of a Party other than Viet Nam and has no other commercial presence in Viet Nam. The stay of these persons is limited to a 90-day period.</p> <p>(e) Contractual service suppliers (CSS)</p> <p>Natural persons who are employees of a foreign enterprise having no commercial presence in Viet Nam may enter and stay in Viet Nam for a period of 90 days or for the duration of the contract, whichever is less provided that the following conditions and requirements shall be applied:</p> <ul style="list-style-type: none"> <li>- The foreign enterprise has obtained a service contract from a Vietnamese enterprise engaged in business operation in Viet Nam. The competent authority of Viet Nam must be able to establish the necessary procedures to guarantee the</li> </ul>		

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p><b>Sectors and sub-sectors</b></p> <ul style="list-style-type: none"> <li>- bona fide character of the contract.</li> </ul>	<ul style="list-style-type: none"> <li>- These persons must possess:           <ul style="list-style-type: none"> <li>(a) a university degree or a technical qualification document demonstrating knowledge of an equivalent level;</li> <li>(b) professional qualifications where this is required to exercise an activity in the sector concerned pursuant to the laws and regulations of Viet Nam; and</li> <li>(c) at least 5 years of professional experience in the sector.</li> </ul> </li> <li>- The number of these persons covered by the service contract shall not be larger than necessary to fulfil the contract, as it may be decided by the laws and regulations and requirement of Viet Nam.</li> <li>- These persons should have been employed by the foreign enterprise having no commercial presence in Viet Nam for a period of no less than 2 years and have met the requirements prescribed for "specialist" above.</li> </ul>	<p>The entry of these persons is allowed for computer and related services (CP 841-845, 849) and engineering services (CPC 8672).</p>	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>II. SECTOR-SPECIFIC COMMITMENTS</b>			
<b>I. BUSINESS SERVICES</b>			
<b>A. Professional Services</b>			
(a) Legal services (CPC 861, excluding:	<ul style="list-style-type: none"> <li>- participation in legal proceedings in the capacity of defenders or representatives of their clients before the courts of Viet Nam;</li> <li>- legal documentation and certification services of the laws of Viet Nam)</li> </ul> <p>Commercial presences of foreign lawyers organizations are permitted to make consultations on Vietnamese laws if the consulting lawyers have graduated from a Vietnamese law college and satisfy requirements applied to like Vietnamese law practitioners.</p>	<ul style="list-style-type: none"> <li>(1) None.</li> <li>(2) None.</li> <li>(3) Foreign lawyers organizations<sup>4</sup> are permitted to establish commercial presence in Viet Nam in the following forms:           <ul style="list-style-type: none"> <li>- Branches of foreign lawyers organizations;</li> <li>- Subsidiaries of foreign lawyers organizations;</li> <li>- Foreign law firms<sup>5</sup>;</li> <li>- Partnerships between foreign lawyers organizations and Viet Nam's law partnerships.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>(1) None.</li> <li>(2) None.</li> <li>(3) None.</li> </ul>
(b) Accounting and auditing and bookkeeping services (CPC 862)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the

<sup>4</sup> A "foreign lawyers organization" is an organization of practicing lawyers established in any commercial corporate form in a foreign country (including firms, companies, corporations, etc.) by one or more foreign lawyers or law firms.

<sup>5</sup> Foreign law firm is an organization established in Viet Nam by one or more foreign lawyers organizations for the purpose of practicing law in Viet Nam.

<b>Mode of delivery:</b> (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person	<b>Sectors and sub-sectors</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
(c) Taxation services (CPC 863)		horizontal section.	horizontal section.	
	(1) None. (2) None. (3) None		(1) None. (2) None. (3) None	
(d) Architectural services (CPC 8671)		(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
	(1) None. (2) None. (3) None, except:  Foreign enterprises have to be juridical persons of Korea.		(1) None. (2) None. (3) None.	
(e) Engineering services (CPC 8672)		(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
	(1) None. (2) None. (3) None, except:		(1) None. (2) None. (3) None, except:	
(f) Integrated engineering services (CPC 8673)		Foreign enterprises have to be juridical persons of Korea.	The supply of services related to topographical, geotechnical, hydro geological and environmental surveys and technical surveys for urban-rural development planning, subject to the authorization of the Government of Viet Nam <sup>6</sup> .	
	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
(g) Urban planning and urban landscape architectural services (CPC 8674)		(1) None. (2) None. (3) None.	(1) None. (2) None. (3) None.	

<sup>6</sup> For greater transparency, this commitment allows the maintenance or adoption of limitations or restrictions for national security and public order reasons that would be justified under Article XIV and Article XIV bis of the GATS.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(i) Veterinary services (CPC 932) <sup>8</sup>	(1) None. (2) Access is granted to natural persons exclusively for the conduct of private professional practice and under the authorization by the veterinary authorities. (4) Unbound, except as indicated in the horizontal section.	(1) None. (2) None. (3) None, except that the chief of the branch has to be a resident in Viet Nam. (4) Unbound, except as indicated in the horizontal section.	In some areas, subject to the regulations of the Government of Viet Nam for national security and social stability purposes, foreign service suppliers may not be permitted to provide this service <sup>7</sup> .
B. Computer and Related Services (CPC 841-845, CPC 849)	(1) None. (2) None. (3) None Branching is allowed. (4) Unbound, except as indicated in the horizontal section.	(1) None. (2) None. (3) None, except that the chief of the branch has to be a resident in Viet Nam. (4) Unbound, except as indicated in the horizontal section.	
C. Research and Development Services (a) R&D services on natural sciences (CPC 851)	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal section.	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal section.	

<sup>7</sup> For greater transparency, this commitment allows the maintenance or adoption of limitations or restrictions for national security and public order reasons that would be justified under Article XIV and Article XIV *bis* of the GATS.

<sup>8</sup> Excluding keeping micro-organism strain for veterinary.

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Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>E. Rental/Leasing Services without Operators</b>			
(b) Relating to aircraft (CPC 83.104)	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal section.	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal section.	
(d) Relating to other machinery and equipment (CPC 83.109)	(1) None <sup>9</sup> . (2) None. (3) None <sup>10</sup> , except joint venture with the foreign capital contribution not exceeding 51% shall be permitted. (4) Unbound, except as indicated in the horizontal section.	(1) None <sup>11</sup> . (2) None. (3) None <sup>12</sup> , except as indicated in the market access column. (4) Unbound, except as indicated in the horizontal section.	The equipment to be brought into Viet Nam must comply with relevant regulations of Viet Nam on management of import and export, standards, technical requirement, national security, national telecommunications infrastructure and comply with the provisions of relevant laws on telecommunications licensing as well as licenses on use of frequencies and radio equipment.
<b>F. Other Business Services</b>			
(a) Advertising services (CPC 87.1, excluding advertising for cigarettes)	(1) None. (2) None. (3) None, except:	(1) None. (2) None. (3) None.	The advertising for wines and spirits shall be subject to State regulations, which are applied on a non-discriminatory basis.
	Foreign service suppliers are permitted to establish joint venture or business cooperation contract with Vietnamese partners who are legally authorized to do advertising services.		

<sup>9</sup> Excluding mining and oil field equipment; commercial radio, television and communication equipment.

<sup>10</sup> Excluding mining and oil field equipment; commercial radio, television and communication equipment.

<sup>11</sup> Excluding mining and oil field equipment; commercial radio, television and communication equipment.

<sup>12</sup> Excluding mining and oil field equipment; commercial radio, television and communication equipment.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Sectors and sub-sectors			
(b) Market research services (CPC 864, excluding 86402)	(4) Unbound, except as indicated in the horizontal section.  (1) None. (2) None. (3) None, except:  Joint ventures shall be allowed with foreign capital contribution not exceeding 51% of the legal capital of the joint venture. 100% foreign-invested enterprises shall be permitted.  (4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.  (1) None. (2) None. (3) None, except that the chief of the branch has to be a resident in Viet Nam.  (4) Unbound, except as indicated in the horizontal section.	
(c) Management consultant services (CPC 865)	(1) None. (2) None. (3) None.  Branching is allowed.  (4) Unbound, except as indicated in the horizontal section.	(1) None. (2) None. (3) None, except that the chief of the branch has to be a resident in Viet Nam.  (4) Unbound, except as indicated in the horizontal section.	
(d) Services related to management consulting  - CPC 866, except CPC 86602 - Arbitration and conciliation services for commercial disputes between businesses (CPC 86602 **)	(1) None. (2) None. (3) None.  Branching is allowed.  (4) Unbound, except as indicated in the horizontal section.	(1) None. (2) None. (3) None, except that the chief of the branch has to be a resident in Viet Nam.  (4) Unbound, except as indicated in the horizontal section.	
(e) Technical testing and analysis services (CPC 8676, excluding conformity testing of transport vehicles and certification of transport vehicles)	(1) Unbound. (2) None. (3) None, except where Viet Nam allows private suppliers access to a sector previously closed to private sector competition on the grounds that the service had been supplied in	(1) None. (2) None. (3) None.	

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Sectors and sub-sectors			
	the exercise of governmental authority, joint ventures to supply such service shall be allowed without limitation on foreign ownership 3 years after such access to private sector competition is allowed. Five years after those private sector services suppliers have been granted such access: none.	Access to certain geographic areas may be restricted for national security reasons.	
(f) Services incidental to agriculture, hunting and forestry (CPC 881) <sup>13</sup>	<p>(1) Unbound, except as indicated in the horizontal section.</p> <p>(2) None.</p> <p>(3) None, except:</p> <p>Only in the form of joint-venture or business co-operation contract. Foreign capital contribution may not exceed 51% of the legal capital of the joint venture.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(1) Unbound, except as indicated in the horizontal section.</p> <p>(2) None.</p> <p>(3) None, except:</p> <p>Access to certain geographical areas may be restricted.<sup>14</sup></p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	

<sup>13</sup>

Excluding services relating to investigation, evaluation and exploitation for natural forest including exploitation of woods and wild, rare and precious animals hunting and trapping, aerial photographing, aerial seed planting and aerial chemicals spraying and dusting, micro-bial plant, animal genetic resource in agriculture. For the avoidance of ambiguity, animal husbandry and the improvement of breeding stock are included in this commitment.

<sup>14</sup>

For greater transparency, this allows the maintenance or adoption of limitations or restrictions for national security and public order reasons in accordance with Article XIV and Article XIV *bis* of the GATS.



Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person		Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Sectors and sub-sectors				
(m) Related scientific and technical consulting services <sup>15</sup> (CPC 86751, 86752 and 86753 only)	(1) None, except: companies without a commercial presence may be required to be registered with the competent authority of the Government of Viet Nam under the terms outlined in Viet Nam's applicable laws.	(1) None, except as indicated in the market access column.	(1) None, except as indicated in the market access column.	
(n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633)	(2) None. (3) None, except: Joint ventures with foreign capital contribution not exceeding 51% shall be permitted. 100% foreign-invested enterprises shall be permitted.  (4) Unbound, except as indicated in the horizontal section.	(2) None. (3) None, except as indicated in the market access column.  (4) Unbound, except as indicated in the horizontal section.	(2) None. (3) None, except as indicated in the market access column.  (4) Unbound, except as indicated in the horizontal section.	
<b>2. COMMUNICATION SERVICES</b>				
B. Courier Services (CPC 7512***)	(1) None. <sup>19</sup> (2) None. (3) None  (4) Unbound, except as indicated in the transport and delivery whether for	(1) None. (2) None. (3) None  (4) Unbound, except as indicated in the	Services and services suppliers of any other Party shall be accorded treatment no less favourable than the treatment accorded to the Vietnamese Post Office or its subsidiaries for its competitive activities.	

<sup>15</sup> The supply of services related to prospecting, surveying, exploration and exploitation is subject to the applicable laws and regulations of Viet Nam.

<sup>16</sup> Express delivery services<sup>16</sup>, i.e. services consisting of collection, sorting, transport and delivery, whether for

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domestic or foreign destination, of:		horizontal section.	horizontal section.	
(a) Written communication <sup>17</sup> , on any kind of physical medium, including:				
- Hybrid mail service;				
- Direct mail.				
Except for the handling of items of written communication the price of which is less than:				
- 10 times the tariff for the handling of a standard domestic letter in the first weight level for domestic shipments;				
- US\$9 for international shipments;				
provided that the gross weight of these items is less than 2,000 grams.				
(b) Parcels <sup>18</sup> and other goods.				
* Handling of non-addressed items.				
C. Telecommunication Services				
Commitments hereunder are made in accordance with "Notes for Scheduling Basic Telecom Services Commitments" (S/GBT/W/2/REV.1) and "Market Access Limitations on Spectrum Availability" (SGBT/W/3). For the purpose of these commitments, a "non-facilities based service supplier" means a service supplier which does not own transmission capacity but contracts for such capacity including submarine cable capacity, including on a long-term basis, from a facilities-based supplier. A non facilities-based supplier is not otherwise excluded from owning telecommunications equipment within their premises and permitted public service provision points (POP).				
Basic telecommunication services				
(a) Voice telephone services (CPC 7521)	(1) None, except:  <i>Wire-based and mobile terrestrial services</i> : Service must be offered through commercial arrangements with an entity established in Viet Nam and licensed to provide international telecommunication services.	(1) None.  Viet Nam undertakes the obligations in the Reference Paper attached hereto.		
(b) Packet-switched data transmission services (CPC 7523**)		For consortium submarine cable links where Viet Nam is member, foreign service suppliers shall be permitted to control fully-owned submarine cable transmission capacity (e.g. IRU or consortium ownership) terminating at a licensed cable landing		
(c) Circuit-switched data transmission				

<sup>19</sup> The cross-border supply of service can be performed in association with a local service provider for the collection or delivery.

<sup>17</sup> Written communication includes letters, postcards, hand writings, or printed matters such as books, newspapers, periodicals, magazines, or commercial documents such as bills and invoices, etc.

<sup>18</sup> Books, catalogues are included hereunder.

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Sectors and sub-sectors				
	services (CPC 7523**)	<i>Satellite-based services:</i> Subject to commercial arrangements with Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services offered to:		station in Viet Nam, and to provide such capacity to international facilities-based service suppliers licensed in Viet Nam and international VPN and IXP service suppliers licensed in Viet Nam.
(d)	Telex services (CPC 7523**)			
(e)	Telephone services (CPC 7523**)			
(f)	Facsimile services (CPC 7521** + 7529**)			
(g)	Private leased circuit services (CPC 7522** + 7523**)			

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(o*) Other services  - Videoconference services (CPC 75292) - Video Transmission services, excluding broadcasting <sup>20</sup> Radio based services includes: + Mobile telephone (terrestrial and satellite) + Mobile data (terrestrial and satellite) + Paging + PCS + Trunking Internet Exchange Service (IXP) <sup>21</sup>	<ul style="list-style-type: none"> <li>- Off-shore/on sea based business customers, government institutions, facilities-based service suppliers, radio and television broadcasters, official international organization, representative offices, diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations;</li> <li>- Multinational companies<sup>22</sup>, which are licensed to use satellite-earth stations.</li> </ul>	<ul style="list-style-type: none"> <li>(2) None.</li> <li>(3) None, except:</li> </ul> <p><i>Non-facilities-based services:</i> Joint venture will be allowed without limitation on choice of partner. Foreign capital contribution shall not exceed 65% of legal capital of the joint ventures.</p> <p><i>Facilities-based services:</i> Joint venture with telecommunications service suppliers duly licensed in Viet Nam will be allowed. Foreign capital contribution shall not exceed 49% of legal capital of the joint ventures.</p>	<ul style="list-style-type: none"> <li>(2) None.</li> <li>(3) None.</li> </ul>

<sup>20</sup> Broadcasting is defined as the uninterrupted chain of transmission required for the distribution of TV and radio programme signals to the general public, but does not cover contribution links between operators.

<sup>21</sup> Services providing internet access service (IAS) suppliers with connection between them and to the international Internet backbone.

<sup>22</sup> A multinational is a corporation which: a) has a commercial presence in Viet Nam; b) operates in at least one other Party; c) has been in operation for at least 5 years; d) is publicly listed on the stock exchange of a Party; and e) is licensed to use satellite services in at least one Party.

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		51% gives management control of the joint venture.		
	(4) Unbound, except as indicated in the horizontal section.	In the telecommunications sector, foreign investors in BCC will have the possibility to renew current arrangements or to convert them into another form of establishment with conditions no less favourable than those they currently enjoy.	(4) Unbound, except as indicated in the horizontal section.	

<b>Mode of delivery:</b> (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person	<b>Sectors and sub-sectors</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
<b>Basic telecommunication services:</b>				
(c*) Other services		(1) None, except: <i>Wire-based and mobile terrestrial services.</i> Service must be offered through commercial arrangements with an entity established in Viet Nam and licensed to provide international telecommunication services.	(1) None.	Viet Nam undertakes the obligations in the Reference Paper attached hereto.
- Virtual Private Network (VPN) <sup>23</sup>		<i>Satellite-based services:</i> Subject to commercial arrangements with Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services offered to: - Off-shore/on sea based business customers, government institutions, facilities-based service suppliers, radio and television broadcasters, official international organization, representative offices, diplomatic representatives and consultates, high tech and software development parks who are licensed to use satellite-earth stations;		For consortium submarine cable links where Viet Nam is member, foreign service suppliers shall be permitted to control fully-owned submarine cable transmission capacity (e.g. IRU or consortium ownership) terminating at a licensed cable landing station in Viet Nam, and to provide such capacity to international facilities-based service suppliers licensed in Viet Nam and international VPN and IXP service suppliers licensed in Viet Nam.
		- Multinational companies <sup>22</sup> , which are licensed to use satellite-earth stations.		
	(2) None.	(2) None.		
	(3) None, except:	(3) None.		

<sup>23</sup> Services, provided on commercial terms, establishing and managing a private network over public (shared) networks for the purpose of carrying out, on a non-profit basis, voice and data telecommunications between members of a closed user group defined prior to the creation of the VPN. Such group may include a corporate group or organization, or a group of legal entities with an established relationship affiliated through the pursuit of a common interest. Initial members of a closed user group using VPN service must be listed in a dialling or routing plan approved by the Competent Authority and subject to its oversight. VPN service suppliers shall notify to the Competent Authority changes of membership at least two working weeks prior to actually commencing commercial service and can commence commercial service provided that no objection from the Competent Authority is issued during these two weeks. Members are not allowed to resell VPN services to unaffiliated third parties. Virtual private networks are not allowed to carry/transfer traffic of/between unaffiliated third parties. VPN services can be offered by licensed foreign-invested service suppliers bundled with Internet access service and value-added services from (h) to (n).

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<i>Non facilities-based services:</i> Joint ventures shall be allowed without limitation on choice of partner. Foreign capital contribution shall not exceed 70% of legal capital of the joint ventures.		
	<i>Facilities-based services:</i> Joint venture with telecommunications service suppliers duly licensed in Viet Nam will be allowed. Foreign capital contribution shall not exceed 49% of legal capital of the joint ventures.		
Value-added services	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
(h) Electronic mail (CPC 7523 **)	(I) None, except:  <i>Wire-based and mobile terrestrial services:</i> Service must be offered through commercial arrangements with an entity established in Viet Nam and licensed to provide international telecommunication services.	(I) None.	Viet Nam undertakes the obligations in the Reference Paper attached hereto.
(i) Voice mail (CPC 7523 **) (j) On-line information and database retrieval (CPC 7523**) (k) Electronic data interchange (EDI) (CPC 7523**)	  <i>Satellite-based services:</i> Subject to commercial arrangements with Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services offered to: - Off-shore/on sea based business customers, government institutions, facilities-based service suppliers, radio and television broadcasters, official international organization,		
(l) Enhance/value-added facsimile services, incl store and forward, store and retrieve (CPC 7523**) (m) Code and protocol conversion			

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Sectors and sub-sectors			
(n) On-line information and data processing (incl. transaction processing) (CPC 843**)	<p>representative offices, diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite- earth stations;</p> <ul style="list-style-type: none"> <li>- Multinational companies<sup>22</sup>, which are licensed to use satellite-earth stations.</li> </ul>	<p>(2) None. (3) None, except:</p> <p><i>Non facilities-based services:</i> Business cooperation contracts or joint ventures will be allowed. Foreign capital contribution shall not exceed 65% of legal capital of the joint ventures.</p> <p><i>Facilities-based services:</i> Business cooperation contracts or joint ventures (JV) with telecommunications service suppliers duly licensed in Viet Nam will be allowed. Foreign capital contribution shall not exceed 50% of legal capital of the joint ventures. 51 % gives management control of the joint venture.</p> <p>In the telecommunications sector, foreign investors in BCC will have the possibility to renew current arrangements or to convert them into another form of establishment with conditions no less favourable than those they currently enjoy.</p>	<p>(2) None. (3) None.</p>
(4) Unbound, except as indicated in the	(4) Unbound, except as indicated in the		

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Value added services (o) Other	(I) <i>Wire-based and mobile terrestrial services</i> : None, except: Service must be offered through commercial arrangements with an entity established in Viet Nam and licensed to provide international telecommunication services. <i>Satellite-based services</i> : Subject to commercial arrangements with Vietnamese international satellite service suppliers duly licensed in Viet Nam, except satellite-based services offered to: - Off-shore/on sea based business customers, government institutions, facilities-based services suppliers, radio and television broadcasters, official international organization representative offices, diplomatic representatives and consulates, high tech and software development parks who are licensed to use satellite-earth stations, - Multinational companies <sup>22</sup> , which are licensed to use satellite-earth stations.	(I) None.	Viet Nam undertakes the obligations in the Reference Paper attached hereto.
Internet Access Services IAS <sup>24</sup>			

<sup>24</sup> Services providing internet access to the end users.

<b>Mode of delivery:</b> (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
<b>Sectors and sub-sectors</b>			
(2) None.  (3) <i>Non facilities-based services:</i> Joint ventures with telecommunications suppliers duly licensed in Viet Nam will be allowed. Foreign capital contribution shall not exceed 65% of legal capital of the joint ventures. <i>Facilities-based services:</i> Joint venture (JV) with telecommunications service suppliers duly licensed in Viet Nam will be allowed. Foreign capital contribution shall not exceed 50% of legal capital of the joint ventures.	(2) None.  (3) <i>Non facilities-based services:</i> Joint ventures with telecommunications suppliers duly licensed in Viet Nam will be allowed. Foreign capital contribution shall not exceed 65% of legal capital of the joint ventures. <i>Facilities-based services:</i> Joint venture (JV) with telecommunications service suppliers duly licensed in Viet Nam will be allowed. Foreign capital contribution shall not exceed 50% of legal capital of the joint ventures.	(2) None.  (3) None.	
(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.		

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>Mode of delivery:</b> (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
(a) Motion picture production (CPC 96112, excl. video tape)	With regard to motion picture production, distribution and projection services, all films must have their content censored by Viet Nam's competent authorities.		
	(1) Unbound. (2) Unbound. (3) Only in the forms of business cooperation contracts or joint ventures with Vietnamese partners who are authorized to provide these services in Viet Nam. Foreign capital contribution may not exceed 51% of the legal capital of the joint venture.	(1) Unbound. (2) Unbound. (3) None.	
- Motion picture distribution (CPC 96113, excl. video tape)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
	(1) Unbound. (2) None. (3) Only through business cooperation contract or joint venture with Vietnamese partners who are authorized to provide these services in Viet Nam. Foreign capital contribution shall not exceed 51% of the legal capital of the joint venture.	(1) Unbound. (2) None. (3) None.	
(b) Motion picture projection service (CPC 96121)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
	(1) Unbound. (2) None. (3) Only through business cooperation contracts or joint venture with Vietnamese partners who are authorized to provide these services in Viet Nam. Foreign capital contribution shall not exceed 51% of legal capital.	(1) Unbound. (2) None. (3) None.	
Viet Nam's houses of culture, film projection place, public cinema	26		

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	clubs and societies and mobile projection teams are not allowed to engage in business cooperation contract or joint-venture with foreign service suppliers.		
(e) Sound recording	(4) Unbound, except as indicated in the horizontal section.  (1) Unbound. (2) None. (3) Unbound. (4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.  (1) Unbound. (2) None. (3) Unbound. (4) Unbound, except as indicated in the horizontal section.	
<b>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</b>			
A.. General construction work for building (CPC 512)	(1) Unbound.* (2) None. (3) None.	(1) Unbound. (2) None. (3) None, except that the chief of the branch has to be a resident in Viet Nam.	
B.. General construction work for civil engineering (CPC 513)	Branching is allowed.	(4) Unbound, except as indicated in the horizontal section.	
C.. Installation and assembly work (CPC 514, 516)		(4) Unbound, except as indicated in the horizontal section.	
D.. Building completion and finishing work (CPC 517)			
E.. Other (CPC 511, 515, 518)			

\* Due to lack of technical feasibility.

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>4. DISTRIBUTION SERVICES</b>			
Measures applicable to all sub-sectors in Distribution Services:			
Cigarettes and cigars, books, newspapers and magazines, video records on whatever medium, precious metals and stones, pharmaceutical products and drugs <sup>25</sup> , explosives, processed oil and crude oil, rice, cane and beet sugar are excluded from the commitments.			
A. Commission agents' services (CPC 621, 61111, 6113, 6121)	(1) Unbound, except none for: - Distribution of products for personal use; - Distribution of legitimate computer software for personal and commercial use.  (2) None. (3) None, except: Foreign-invested companies	(1) Unbound, except as indicated in Mode 1, market access column.	
B. Wholesale trade services (CPC 622, 61111, 6113, 6121)	- - Distribution of legitimate computer software for personal and commercial use.		
C. Retailing services (CPC 631 + 632, 61112, 6113, 6121) <sup>26</sup>	engaging in distribution services will be permitted to engage in the commission agents', wholesale and retail business of all legally imported and domestically produced products. The establishment of outlets for retail services (beyond the first one) shall be allowed on the basis of an Economic Needs Test (ENT) <sup>27</sup> .	(2) None. (3) None.	
(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.		

<sup>25</sup> For the purposes of this schedule "pharmaceuticals and drugs" do not include non-pharmaceutical nutritional supplements in tablet, capsule or powdered form.

<sup>26</sup> For transparency purposes, this commitment includes multi-level sales by properly trained and certified Vietnamese individual commission agents away from a fixed location for which remuneration is received both for the sales effort and for sales support services that result in additional sales by other contracted distributors.

<sup>27</sup> Applications to establish more than one outlet shall be subject to pre-established publicly available procedures, and approval shall be based on objective criteria. The main criteria of the ENT include the number of existing service suppliers in a particular geographic area, the stability of market and geographic scale.

<b>Sectors and sub-sectors</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
D. Franchising services (CPC 8929)	(1) (2) None. (3) None. Branching is allowed.  (4) Unbound, except as indicated in the horizontal section.	(1) (2) None. (3) None, except that the chief of the branch has to be a resident in Viet Nam.  (4) Unbound, except as indicated in the horizontal section.	
<b>5 EDUCATIONAL SERVICES</b>			

Only in technical, natural sciences and technology, business administration and business studies, economics, accounting, international law and language training fields.

With regard to points (C), (D), and (E) below: The education content must be approved by Viet Nam's Ministry of Education and Training.

B. Secondary education services (CPC 922)	(1) Unbound. (2) None. (3) Unbound. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound. (2) None. (3) Unbound. (4) Unbound, except as indicated in the horizontal section.	
C. Higher education services (CPC 923)	(1) Unbound. (2) None. (3) None	(1) Unbound. (2) None. (3) Foreign teachers who wish to work in foreign-invested schools shall have at least 5 years of teaching experience, and their qualifications shall be recognized by the competent authority.	
D. Adult education (CPC 924)			
E. Other education services (CPC 929 including foreign language training)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>6. ENVIRONMENTAL SERVICES</b>			
A.. Sewage Services (CPC 9401)	<p>Access to certain geographic areas may be restricted for national security reasons<sup>28</sup>.</p> <p>(1) Unbound, except related consulting services.</p> <p>(2) None.</p> <p>(3) None, except: Confirming that services supplied in the exercise of governmental authority as defined in Article I:3(c) of GATS may be subject to public monopolies or exclusive rights granted to private operators.</p>	<p>(1) Unbound, except related consulting services.</p> <p>(2) None.</p> <p>(3) None.</p>	<p>Foreign companies are allowed to do business activities in Viet Nam in the form of build-operate-transfer (BOT) and build-transfer-operate (BTO).</p>
B.. Refuse disposal services (CPC 9402) <sup>29</sup>	<p>(4) Unbound, except as indicated in the horizontal section.</p> <p>(1) Unbound, except related consulting services.</p> <p>(2) None.</p> <p>(3) None, except: Confirming that services supplied in the exercise of governmental authority as defined in Article I:3(c) of GATS may be subject to public monopolies or exclusive rights granted to private operators.  For the purpose of ensuring public welfare, foreign-invested enterprises are restricted from collecting refuse directly from households. They are only permitted to provide services at the refuse collection points as specified by local municipal and provincial authorities.</p>	<p>(4) Unbound, except as indicated in the horizontal section.</p> <p>(1) None.</p> <p>(2) None.</p> <p>(3) None.</p>	<p>Foreign companies are allowed to do business activities in Viet Nam in the form of build-operate-transfer (BOT) and build-transfer-operate (BTO).</p>

<sup>28</sup> For greater transparency, this commitment allows the maintenance or adoption of limitations or restrictions for national security reasons that would be justified under Article XIV and Article XIV bis of the GATS.

<sup>29</sup> Import of refuse is forbidden by law. Treatment and disposal of hazardous waste is regulated by Law.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
D. Other services	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
- Cleaning services of exhaust gases (CPC 94040) and noise abatement services (CPC 94050)	(1) Unbound, except related consulting services. (2) None. (3) None, except: Confirming that services supplied in the exercise of governmental authority as defined in Article I:3(c) of GATS may be subject to public monopolies or exclusive rights granted to private operators. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound, except related consulting services. (2) None. (3) None.	
- Environmental impact assessment services (CPC 94090*)	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal section.	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal section.	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person	Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
7. FINANCIAL SERVICES				
A. Insurance and Insurance-Related Services	(1) None for:	(1) None.		
a. Direct insurance	<ul style="list-style-type: none"> <li>- Insurance services provided to enterprises with foreign-invested capital, foreigners working in Viet Nam;</li> </ul>			
(a) Life insurance, excl. health insurance services	<ul style="list-style-type: none"> <li>- Reinsurance services;</li> </ul>			
(b) Non-life insurance services	<ul style="list-style-type: none"> <li>- Insurance services in international transportation, including insurance of risks relating to:</li> </ul>			
b. Reinsurance and retrocession				
c. Insurance intermediation (such as brokerage and agency)	<ul style="list-style-type: none"> <li>+ international maritime transport and international commercial aviation, with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods and any liability arising therefrom; and</li> <li>+ goods in international transit;</li> </ul>			
d. Services auxiliary to insurance (such as consultancy, actuarial, risk assessment and claim settlement)	<ul style="list-style-type: none"> <li>- Insurance broking and reinsurance broking services;</li> <li>- Consultancy, actuarial, risk assessment and claim settlement services.</li> </ul>			
(2) None.	(2) None.			
(3) None.	(3) None.			
Non-life branches of foreign insurance enterprises shall be permitted, subject to prudential regulations.				
(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.			

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>B. Banking and Other Financial Services</b>			
(a) Acceptance of deposits and other repayable funds from the public	(1) Unbound, except B(k) and B(l). (2) None. (3) None, except:	(1) Unbound, except B(k) and B(l). (2) None. (3) None, except:	
(b) Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction	(a) Foreign credit institutions are only permitted to establish commercial presence in Viet Nam in the following forms:  (i) With respect to foreign commercial banks; representative office, branch of foreign commercial bank, commercial joint venture bank with foreign capital contribution not exceeding 50% of chartered capital, joint venture financial leasing company, 100% foreign- invested financial leasing company, joint venture finance company and 100% foreign- invested finance company, and 100% foreign-owned banks.  (ii) With respect to foreign finance companies: representative office, joint venture finance company, 100% foreign- invested finance company, joint venture financial leasing company and 100% foreign- invested financial leasing company.	(a) The conditions for the establishment of a branch of a foreign commercial bank in Viet Nam:  - The parent bank has total assets of more than US\$20 billion at the end of the year prior to application.	
(c) Financial leasing			
(d) All payment and money transmission services, including credit, charge and debit cards, travellers' cheques and bankers' drafts			
(e) Guarantees and commitments			
(f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:  - Money market instrument (including cheques, bills, certificates of deposits); - Foreign exchange; - Exchange rate and interest rate instrument incl products such as swaps, forward rate agreements; Bullion.			
(h) Money broking			

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(i) Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services	(iii) With respect to foreign financial leasing companies: representative office, joint venture financial leasing company and 100% foreign-invested financial leasing company.		
(j) Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments	(b) Equity participation:	<p>(i) Viet Nam may limit equity participation by foreign credit institutions in equitized Vietnamese state-owned banks to the same level as equity participation by Vietnamese banks.</p> <p>(ii) For capital contribution in the form of buying shares, the total equity held by foreign institutions and individuals in each Viet Nam's joint-stock commercial bank may not exceed 30% of the bank's chartered capital, unless otherwise provided by Viet Nam's laws or authorized by a Viet Nam's competent authority.</p>	<p>(b) The conditions for the establishment of a joint venture bank or a 100% foreign-owned bank:</p> <ul style="list-style-type: none"> <li>- The parent bank has total assets of more than US\$10 billion at the end of the year prior to application.</li> </ul>

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(c) A branch of foreign commercial bank:	(c) - is not allowed to open other transaction points outside its branch	(c) The conditions for the establishment of a 100% foreign-invested finance company or a joint venture finance company, a 100% foreign-invested financial leasing company or a joint-venture financial leasing company:	
(d) Foreign credit institutions are allowed to issue credit cards on a national treatment basis.	(4) Unbound, except as indicated in the horizontal section.	- The foreign credit institution has total assets of more than US\$10 billion at the end of the year prior to application. Unbound, except as indicated in the horizontal section.	(4)

<b>Mode of delivery:</b> (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
<b>Sectors and sub-sectors</b>			
<b>C. Securities</b>			
(f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:			
- Derivative products incl. futures and options;			
- Transferable securities;			
- Other negotiable instruments and financial assets, excluding bullion.			
(g) Participation in issues of all kinds of securities incl. under-writing and placement as an agent (publicly or privately), provision of services related to such issues			
(i) Asset management, such as portfolio management, all forms of collective investment management, pension fund management, custodial depository and trust services	(4) Unbound, except as indicated in the horizontal section.		
(j) Settlement and clearing services for securities, derivative products, and other securities-related instruments			
(k) Provision and transfer of financial information, and related software by suppliers of securities services			
(l) Advisory, intermediation and other auxiliary securities-related excluding (f), including investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy			

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person		
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment
(for other services under (1), refer to (1) under banking sector)		Additional Commitments

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person				
Sectors and sub-sectors		Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>8. HEALTH RELATED AND SOCIAL SERVICES</b>				
A. Hospital services (CPC 9311)	(1) None. (2) None. (3) Foreign service suppliers are permitted to provide services through the establishment of 100% foreign-invested hospital, joint venture with Vietnamese partners or through business cooperation contract.	(1) None. (2) None. (3) None.		
B. Medical and dental services (CPC 9312)	The minimum investment capital for a commercial presence in hospital services must be at least US\$20 million for a hospital, US\$2 million for a polyclinic unit and US\$200,000 for a specialty unit.	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
<b>9. TOURISM AND TRAVEL RELATED SERVICES</b>				
A. Hotel and restaurant including				
- Hotel lodging services (CPC 64110)	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal section.	(1) None. (2) None. (3) None. (4) Unbound, except as indicated in the horizontal section.		
- Food serving services (CPC 642) and beverage serving services for consumption on the premise (CPC 643)				
B. Travel agencies and tour operator services (CPC 7471)	(1) None. (2) None. (3) None, except that: foreign service suppliers are permitted to provide services in the form of joint ventures with Vietnamese partners with no limitation on foreign capital	(1) None. (2) None. (3) None, except tourist guides in foreign-invested enterprises shall be Vietnamese citizens. Foreign service supplying enterprises can only do inbound services and domestic travel for inbound tourists		

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person			
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	as an integral part of inbound services.
<b>10. RECREATIONAL, CULTURAL AND SPORTING SERVICES</b>			
A. Entertainment services (including theatre, live bands and circus services) (CPC 9619)	(1) Unbound. (2) None. (3) Unbound except joint ventures with foreign capital contribution not exceeding 49% are permitted. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound. (2) None. (3) None.	
D. Other			
- Electronic games business (CPC 964**)	(1) Unbound. (2) None. (3) Only through business cooperation contract or joint-venture with Vietnamese partners who are specifically authorized to provide these services. Foreign capital contribution shall not exceed 49% of the legal capital of the joint ventures. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound. (2) None. (3) None.	(4) Unbound, except as indicated in the horizontal section.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence		(4) Presence of natural person	
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>11. TRANSPORT SERVICES</b>			
A. Maritime Transport Services	<p>(a) Passenger transportation less cabotage (CPC 7211)</p> <p>(b) Freight transportation less cabotage (CPC 7212)</p>	<p>(1) Unbound, except international freight transportation: None.</p> <p>(2) None.</p> <p>(3) Establishment of registered companies for the purpose of operating a fleet under the national flag of Viet Nam: Foreign service suppliers are permitted to establish joint-ventures with foreign capital contribution not exceeding 49% of total legal capital. Foreign seafarers may be permitted to work in ships under the national flag of Viet Nam (or registered in Viet Nam) owned by joint-ventures in Viet Nam but not exceeding 1/3 of total employees of the ships. The Master or first chief executive must be Vietnamese citizen.</p>	<p>(1) Unbound, except international freight transportation: None.</p> <p>(2) None.</p> <p>(3) None.</p> <p>The following services at the port are made 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. Towing and tug assistance;</li> <li>3. Provisioning, fuelling and watering</li> <li>4. Garbage collecting and ballast waste disposal;</li> <li>5. Port Captain's/Harbour Master's services;</li> <li>6. Navigation aids;</li> <li>7. Shore-based operational services essential to ship operations, including communications, water and electrical supplies;</li> <li>8. Emergency repair facilities;</li> <li>9. Anchorage, berth and berthing services;<sup>30</sup></li> <li>10. Access to maritime agency services.<sup>30</sup></li> </ol>

<sup>30</sup> With respect to the access to and use of maritime agency services mentioned in the Additional Commitments column, where road, rail, inland waterways, coastal and inland shipping, and related auxiliary services are not otherwise fully covered in the schedule, a multimodal transport operator shall have the ability to access Vietnamese maritime agency services suppliers to rent, hire or charter trucks, railway carriages, or barges and related equipment, for the purpose of onward forwarding of international cargoes carried by sea.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence	(4) Presence of natural person		
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	(b) Other forms of commercial presence for the supply of international maritime transport services <sup>31</sup> : Foreign shipping companies can establish 100% foreign-invested enterprises.	Foreign-invested enterprises are only permitted to carry out activities from (1) to (7) as indicated below:	
		<ol style="list-style-type: none"> <li>1. Marketing and sales maritime transport services through direct contract with customers, from quotation to invoicing;</li> <li>2. Acting on behalf of the cargo owners;</li> <li>3. Provision of required business information;</li> <li>4. Preparation of documentation concerning transport documents including customs documents, or other documents related to the origin and character of the goods transported;</li> <li>5. Provision of maritime transport services including cabotage services by Vietnamese flagged vessels for the supply of integrated transport services.</li> <li>6. Acting on behalf of the company, organising the call of the ship or taking over cargoes when required.</li> </ol>	

<sup>31</sup> "Other forms of commercial presence for the supply of international maritime transport services" means the ability for foreign shipping companies to undertake locally activities which are related to the cargoes carried by them and necessary for the supply of the integrated transport service to their customers, within which the international maritime transport constitutes a substantial elements and is supplied by the concerned foreign shipping company.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Sectors and sub-sectors			
	7. Negotiate and sign contracts for road, rail, inland waterways transportation related to cargoes transported by the company.		
- Maritime Auxiliary Services (CPC 7411) <sup>32</sup>	<p>(4) Unbound, except as indicated in the horizontal section.</p> <p>(1) Unbound.</p> <p>(2) None.</p> <p>(3) None, except that joint ventures with foreign capital contribution not exceeding 50% can be established.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(4) Unbound, except as indicated in the horizontal section.</p> <p>(1) Unbound.</p> <p>(2) None.</p> <p>(3) None.</p>	
- Customs Clearance Services <sup>33</sup>	<p>(1) Unbound.*</p> <p>(2) None.</p> <p>(3) None, except that joint ventures can be established with no foreign ownership limitation.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(1) Unbound.*</p> <p>(2) None.</p> <p>(3) None.</p>	
- Container Station and Depot Services <sup>34</sup>	<p>(1) Unbound.*</p> <p>(2) None.</p> <p>(3) None.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(1) Unbound.*</p> <p>(2) None.</p> <p>(3) None.</p>	<p>(4) Unbound, except as indicated in the horizontal section.</p>
<b>B. Internal Waterways Transport</b>	(1) Unbound.	(1) Unbound.	

<sup>32</sup> Public utility concession or licensing procedures may apply in case of occupation of the public domain.

<sup>33</sup> "Customs clearance services" (alternatively "customs house brokers' services") means 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 provider or a usual complement of its main activity.

\* A commitment on this mode of delivery is not feasible.

<sup>34</sup> "Container station and depot services" means activities consisting in storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipments.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person				
Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments	
(a) Passenger transport (CPC 7221)	(2) None. (3) Foreign service suppliers are permitted to provide services only through the establishment of joint ventures with Vietnamese partners in which the capital contribution of foreign side not exceeding 49% of total legal capital.	(2) None. (3) None.		
(b) Freight transport (CPC 7222)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.		
<b>C. Air Transport Services</b>				
(a) Sales and marketing air products services	(1) None. (2) None. (3) Airlines are permitted to provide service in Viet Nam through their ticketing offices or agents in Viet Nam. (4) Unbound, except as indicated in the horizontal section.	(1) None. (2) None. (3) None.	(4) Unbound, except as indicated in the horizontal section.	
(b) Computer reservation services	(1) None, except the foreign service supplier must use public telecommunication network under the management of Viet Nam telecommunication authority. (2) None, except as indicated in Mode 1. (3) None, except as indicated in Mode 1. (4) Unbound, except as indicated in the horizontal section.	(1) None. (2) None. (3) None.	(4) Unbound, except as indicated in the horizontal section.	
(c) Maintenance and repair of aircraft (CPC 8868**)	(1) None. (2) None. (3) 100% foreign-invested enterprises shall be allowed. (4) Unbound, except as indicated in the horizontal section.	(1) None. (2) None. (3) None.	(4) Unbound, except as indicated in the horizontal section.	
<b>E. Rail Transport Services</b>				
(a) Passenger transportation	(1) Unbound. (2) None. (3) Unbound except: Foreign suppliers	(1) Unbound. (2) None. (3) Unbound.		

<b>Mode of delivery:</b> (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
<b>Sectors and sub-sectors</b>			
(CPC 7111)  (b) Freight transportation (CPC 7112)	are permitted to provide freight transport services through the establishment of joint ventures with Vietnamese partners in which the capital contribution of foreign side not exceeding 49% of the total legal capital.  (4) Unbound, except as indicated in the horizontal section.	Vietnamese partners in which the capital contribution of foreign side not exceeding 49% of the total legal capital.  (4) Unbound, except as indicated in the horizontal section.	
F. Road Transport Services  (a) Passenger transportation (CPC 7121+7122)  (b) Freight transportation (CPC 7123)	(1) Unbound.  (2) None.  (3) None, except:  Foreign service suppliers are permitted to provide passenger and freight transport services through business cooperation contracts or joint-ventures with the capital contribution of foreign side not exceeding 49%.  Subject to the needs of the market <sup>35</sup> , joint-ventures with foreign capital contribution not exceeding 51% may be established to provide freight transport services.  100 % of joint-venture's drivers shall be Vietnamese citizen.  (4) Unbound, except as indicated in the horizontal section.	(1) Unbound.  (2) None.  (3) None.	(1) Unbound, except as indicated in the horizontal section.
H. Services Auxiliary to all Modes of Transport	(1) Unbound.  (2) None.  (3) Foreign service suppliers are only	(1) Unbound.  (2) None.  (3) None.	

<sup>35</sup> The criteria taken into account are among others: creation of new jobs; positive foreign currency balance; introduction of advanced technology, including management skill; reduced industrial pollution; professional training for Vietnamese workers; etc.

Sectors and sub-sectors	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(a) Container handling services, except services provided at airports (part of CPC 7411)	permitted to provide services through the establishment of joint ventures with Vietnamese partners with the capital contribution of foreign side not exceeding 50%.		
	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
(b) Storage and warehouse services (CPC 742)	(1) Unbound. (2) None. (3) None.	(1) Unbound. (2) None. (3) None.	
(c) Freight transport agency services (CPC 748) <sup>36</sup>	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
(d) Other (part of CPC 749) <sup>37</sup>	(1) Unbound, except freight brokerage services: None (2) None. (3) Foreign service suppliers are only permitted to provide services through the establishment of joint ventures with Vietnamese partners. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound, except freight brokerage services: None (2) None. (3) None. (4) Unbound, except as indicated in the horizontal section.	

<sup>36</sup> Including freight forwarding services. These services mean the activities consisting of organizing and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information.

<sup>37</sup> A commitment on this mode of delivery is not feasible.

<sup>37</sup> Include the following activities: bill auditing; freight brokerage services; freight inspection, weighing and sampling services; freight receiving and acceptance services; transportation document preparation services. These services are provided on behalf of cargo owners.

	<b>DEFINITIONS</b>
	The following are definitions and principles on the regulatory framework for the basic telecommunications services.
	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;
	(b) and 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
	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
	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.
2.1	Commitments

## REFERENCE PAPER

### I. SCOPE

- (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.

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

Public availability of licensing criteria

Any Party has the right to determine 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 Party.

3. Universal Service

- (a) at any time, or  
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.

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

## 2.5 Interconnection: dispute settlement

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

## 2.4 Transparency of interconnection arrangements

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

Public availability of the procedures for interconnection negotiations

- (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 suppliers or for its subsidaries 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.

2.2 Interconnection to be ensured

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.

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.

#### 5. Independent regulators

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

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

#### 6. Allocation and use of scarce resources

### LIST OF ARTICLE 8.3 EXEMPTIONS

Sectors or sub-sectors	Description of measures (to be applied to sector) indicating its inconsistency with Article 8.3	Countries to which the measures applied	Intended duration	Conditions creating the need for the MFN exemption
All sectors Commercial presence.	Measures extending preferential treatment pursuant to bilateral investment treaties.	All countries that have signed bilateral investment treaties with Viet Nam.	Indefinite	Foster investment in Viet Nam.
Audiovisual services - Production, distribution and projection of television programmes and cinematographic works.	Measures based upon co-production agreements of audiovisual works, which confer National Treatment to audiovisual works covered by such agreements.	WTO Members with which such bilateral or plurilateral agreements are in force, now or in the future.	Indefinite	The aim of these agreements is to promote cultural links between the countries concerned.
Audiovisual services - Production and distribution of television programmes and cinematographic works.	Measures granting the benefit of support programmes to audiovisual works, and suppliers of such works meeting origin criteria.	WTO Members with which bilateral and plurilateral agreements have been signed in the area of cultural cooperation.	Indefinite	These programmes aim at preserving and promoting the cultural identity of countries with which Viet Nam has long-standing cultural links.
Audiovisual services - Production and distribution of audiovisual works through broadcasting transmission to the public.	Measures which extend National Treatment to audiovisual works which meet certain origin criteria regarding access to broadcasting transmission.	WTO Members with which bilateral or plurilateral agreements have been concluded in the area of cultural cooperation.	Indefinite	These measures aim, within the sector, to promote cultural values both within Viet Nam, and with other countries, including in the region.
Maritime transport.	Measures based upon agreements covering the normal business operations of fully owned subsidiaries of foreign shipping companies.	All WTO Members with whom maritime transport cooperation may be desirable.	5 years	Bilateral Agreements.
Sea-transport services:	The three sub-sectors are subject to preferential treatment under Maritime Agreement between Viet Nam and Singapore. - Internal road freight transportation by lorry; - cargo storage and warehousing; and - container yard.	Republic of Singapore.	10 years	Bilateral Agreement.

**ANNEX 8-D**

**SCHEDULE OF SPECIFIC COMMITMENTS  
KOREA<sup>1</sup>**

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<sup>1</sup> For the purposes of this Agreement, nothing in a Party's Schedule of Specific Commitments annexed to Chapter on Trade in Services shall be construed to offer the other Party any treatment less favorable than the respective treatment in the corresponding Schedule of Specific Commitment annexed to *ASEAN-Korea Trade in Services Agreement under the Framework Agreement on Comprehensive Economic Cooperation among the Governments of the Member Countries of the Association of Southeast Asian Nations and the Republic of Korea*.

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**

**I. HORIZONTAL COMMITMENTS**

\* : An asterisk on the CPC (UN provisional Central Product Classification : Statistical Papers Series M No. 77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991) code number indicates that the corresponding service sub-sector in this Schedule only covers a part or parts of the service sub-sector classified under the given CPC code number.

"Unbound\*" means unbound due to lack of technical feasibility.

**ALL SECTORS INCLUDED IN THIS SCHEDULE**


Modes of Supply: 1) Cross-border supply		2) Consumption abroad		3) Commercial presence	4) Presence of natural persons which are established in Korea according to the pertinent laws.	
Sector or Sub-sector	Limitations on Market Access			Limitations on National Treatment		Additional Commitments
				Unbound for research and development subsidies.		
	<p>4) Unbound except for measures affecting the entry and temporary stay of natural persons as defined below:</p> <p>A. Intracorporate Transferees(ICT)</p> <p>Natural persons who are employees of firms that supply services through subsidiaries, branches, or designated affiliates 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</p>	<p>4) Unbound except for measures concerning Intra-corporate Transferees (ICT), Business Visitors (BV), Service Salespersons (SS).</p> <p>Unbound for Contractual Service Suppliers (CSS).</p> <p>The acquisition of land is unbound except that the lease hold right of land is permitted.</p> <p>Eligibility for subsidies, including tax benefits, may be limited to residents according to the pertinent laws.</p>				

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>Entry and stay of natural persons as defined in A is limited to a period not exceeding three years that may be extended if the above condition is still met by the applicants.</p>		
	<p>The following definition is provided for transparency purposes:</p> <ol style="list-style-type: none"> <li>1. “Subsidiary” is defined as a firm, corporation or other legal entity of which a parent owns more than 50 percent of the total equity of the entity;</li> <li>2. “Branch” is defined as an operating division or a representative office of the same organization, which has an employee holding an extensive right to represent a parent housed in the territory of Viet Nam; and</li> <li>3. “Designated affiliate” is defined as one of two subsidiaries, both of which are owned or controlled by the same parent, or as one of two legal entities, both of which are owned or controlled by the same group of shareholders who are partners of a partnership, a company or other legal entity and who have more than 50 percent of the total equity of each of the two entities or have a responsibility for more than 50 percent of the total investment amount of each of the two entities.</li> </ol>		

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.	<p>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 Viet Nam 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. Service Salespersons(SS)</p> <p>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 purposes 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>		
D. Contractual Service Suppliers (CSS) - Employees of juridical person	<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 who are engaged in the supply of a contracted service as employees of a juridical person that has no commercial presence in Korea, subject to the following conditions and any of the additional conditions mentioned in the sector specific part.<sup>2</sup></p>		<p>The juridical person has to obtain a service</p>

<sup>2</sup> The Horizontal or Specific Commitments made under this Category do not apply to measures affecting natural persons seeking access to the employment market of Korea, nor to measures regarding employment on a permanent basis in accordance with Annex 8-C.

Modes of Supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Sector or Sub-sector			
	<p>contract for a period not exceeding one year from a juridical person incorporated in Korea, who is the final consumer of the service which is supplied. The contract shall comply with the laws and regulations of Korea.</p> <p>The natural persons seeking access should be employees of the juridical person, who are supplying the service for a period not less than one year immediately preceding the date of their application for admission.</p>		

Modes of Supply: Sector or Sub-sector	1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons	Limitations on Market Access Limitations on National Treatment	Additional Commitments
	<p>The natural persons must possess the necessary academic and professional qualifications and professionally qualified competency-based experience to exercise an activity in the sector concerned pursuant to the laws, regulations or requirements of Korea and to accreditations by the relevant international organizations such as Washington Accord, EMF International Registered Professional Engineer and APEC Engineers.</p> <p>The natural persons are required to receive no remuneration from a juridical person located in Korea.</p> <p>Commitments may be subject to the application of a numerical ceiling [modalities of application and level to be determined], except where otherwise indicated for a specific sub-sector.</p> <p>The contract is required to be obtained in the following service-supplying activities or sub-sectors, without conferring entitlement to exercise the professional title of Korea.</p> <ul style="list-style-type: none"> <li>- Services related to the installment, management or repair of industrial equipment or machine, excluding construction and power generation equipment, for a juridical person in Korea which purchases the equipment or the machine from a juridical person employing the natural person located in Viet Nam</li> <li>- Consultancy services related to the technical knowledge or skill concerning</li> </ul>	<p>The natural persons must possess the necessary academic and professional qualifications and professionally qualified competency-based experience to exercise an activity in the sector concerned pursuant to the laws, regulations or requirements of Korea and to accreditations by the relevant international organizations such as Washington Accord, EMF International Registered Professional Engineer and APEC Engineers.</p> <p>The natural persons are required to receive no remuneration from a juridical person located in Korea.</p> <p>Commitments may be subject to the application of a numerical ceiling [modalities of application and level to be determined], except where otherwise indicated for a specific sub-sector.</p> <p>The contract is required to be obtained in the following service-supplying activities or sub-sectors, without conferring entitlement to exercise the professional title of Korea.</p> <ul style="list-style-type: none"> <li>- Services related to the installment, management or repair of industrial equipment or machine, excluding construction and power generation equipment, for a juridical person in Korea which purchases the equipment or the machine from a juridical person employing the natural person located in Viet Nam</li> <li>- Consultancy services related to the technical knowledge or skill concerning</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
	<p>the natural science applied to information technology, e-business, biotechnology, nanotechnology, digital electronics, and environmental industry</p> <ul style="list-style-type: none"> <li>- Consultancy services for foreign accounting standards and auditing, training of CPAs, transfer of auditing technology and exchange of information related to accounting, auditing and bookkeeping services, to a Korean accounting firm or office through a membership contract</li> <li>- Architectural services subject to collaboration with architects registered under the Korean law in the form of joint contracts</li> <li>- Management consulting services</li> </ul> <p>Professional Engineers in the following services:</p> <ul style="list-style-type: none"> <li>- Consultancy services related to the installation of computer hardware</li> <li>- Software R&amp;D based implementation services</li> <li>- Data management services</li> <li>- Data system services</li> <li>- Specially engineering design services for automobile</li> </ul> <p>Entry and stay of the natural persons as defined in D is limited to the duration of the contract, which is not exceeding one year.</p>		

Notes for transparency purposes:

1. Natural persons whose entry and temporary stay is permitted shall observe the *Immigration Law* and the *labor laws*.
2. Korea's commitments regarding temporary movement of natural persons do not apply in the case of labor-management disputes.

Mode 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>			
<b>1. BUSINESS SERVICES</b>			
A. Professional Services			
a. Legal services; (CPC 861)			
Excluding			
(i) representation for juridical or statutory procedures in courts and other government agencies as well as preparation of legal documents for such procedures ;	A <i>byeon-ho-sa</i> (Korean-licensed lawyer) or a <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.	1)2)3) (a) Only a <i>byeon-ho-sa</i> (Korean-licensed lawyer) registered with the Korean Bar Association may supply legal services.	1)2)3) The same limitations as specified in (b) of MA column apply.
(ii) legal representation for the entrustment of the preparation of notarial deeds ;	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</i> ( <i>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.	1)2)3) (a) Only a <i>byeon-ho-sa</i> (Korean-licensed lawyer) registered with the Korean Bar Association may supply legal services.	1. Representation in international commercial arbitration is permitted, provided that the applicable procedural and substantive laws in the arbitration are either the laws which the Foreign Legal Consultant is qualified to practice in Korea, or international rules.
(iii) activities concerning labor affairs consulting services or a legal case whose objective is the acquisition, loss or change of rights concerning real property in Korea, intellectual property rights, mining rights or	(b) Unbound for legal services other than legal services permitted to provide in (a) <sup>3</sup> , except for the followings:	1)2)3) (a) Only a <i>byeon-ho-sa</i> (Korean-licensed lawyer) registered with the Korean Bar Association may supply legal services.	2. Use of home title in its own language is permitted, provided that it is used with reference to "Foreign Legal Consultant" in Korean.
			3. Use of firm name is permitted, provided that it is used with reference to "Foreign Legal Consultants"

<sup>3</sup> Korea reserves the right to adopt or maintain any measure, including but not limited to (a) restrictions on certification, approval, registration, admission, and supervision of, and any other requirements with respect to, foreign country-licensed lawyers or foreign law firms supplying any type of legal services in Korea; (b) restrictions on foreign country-licensed lawyers or foreign law firms entering into partnerships, commercial associations, affiliations, or any other type of relationship regardless of legal form, with *byeon-ho-sa* (Korean-licensed lawyers), Korean law firms, *beop-mu-sa* (Korean judicial scriveners), *byeon-ri-sa* (Korean patent attorneys), *gong-in-hoe-gee-sa* (certified public accountants), *se-mu-sa*

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	
other rights arising upon registration with thereof government agencies in Korea ; and activities in a legal case concerning family relations or inheritance, in which a Korean national is involved as a party or the property concerned is located in Korea.	(i) No later than the date this Agreement enters into force, Korea shall allow, subject to certain requirements consistent with this Agreement, law firms of Viet Nam to establish representative offices (Foreign Legal Consultant offices or FLC offices) in Korea, and lawyers licensed in Viet Nam to provide legal advisory services regarding the laws of the jurisdiction in which they are licensed and public international law as foreign legal consultants in Korea; and  (ii) No later than the date this Agreement enters into force, Korea shall allow a representative office, subject to certain requirements consistent with this Agreement, to enter into specific cooperative agreements with Korean law firms in order to be able to jointly deal with cases in which domestic and foreign legal issues are mixed, and to share profits derived from such cases.  (iii) No later than three years after the date this Agreement enters into force, Korea shall allow law firms of Viet Nam to establish, subject to certain requirements consistent with this Agreement, joint venture firms with Korean law firms. Korea may impose restrictions on the proportion of	(i) No later than the date this Agreement enters into force, Korea shall allow, subject to certain requirements consistent with this Agreement, law firms of Viet Nam to establish representative offices (Foreign Legal Consultant offices or FLC offices) in Korea, and lawyers licensed in Viet Nam to provide legal advisory services regarding the laws of the jurisdiction in which they are licensed and public international law as foreign legal consultants in Korea; and  (ii) No later than the date this Agreement enters into force, Korea shall allow a representative office, subject to certain requirements consistent with this Agreement, to enter into specific cooperative agreements with Korean law firms in order to be able to jointly deal with cases in which domestic and foreign legal issues are mixed, and to share profits derived from such cases.  (iii) No later than three years after the date this Agreement enters into force, Korea shall allow law firms of Viet Nam to establish, subject to certain requirements consistent with this Agreement, joint venture firms with Korean law firms. Korea may impose restrictions on the proportion of	Office" in Korean.	
(Korean certified tax accountants) or <i>gwan-se-sa</i> (Korean customs brokers); (c) restrictions on foreign country-licensed lawyers or foreign law firms hiring <i>byeon-ho-sa</i> (Korean-licensed lawyers), <i>beop-nu-sa</i> (Korean judicial scriveners), <i>byeon-ri-sa</i> (Korean patent attorneys), <i>gong-in-hoe-ge-sa</i> (certified public accountants), <i>se-mu-sa</i> (Korean certified tax accountants) or <i>gnan-se-sa</i> (Korean customs brokers); and (d) restriction on senior management and the board of directors of legal entities supplying foreign legal consulting services, including with respect to the chairman.				

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>voting shares or equity interests of the joint venture firms. For greater certainty, such joint venture firms may, subject to certain requirements, employ Korean-licensed lawyers as partners or associates.</p> <p>4) Unbound, except as indicated in the Horizontal Commitments section. The movement of natural persons is only allowed in relation to a commercial presence.</p> <p>Only legal advisory services on the laws of the jurisdiction in which foreign lawyers are licensed and public international law is permitted.</p>	<p>4) Unbound, except as indicated in the Horizontal Commitments section.</p>	

\* Notes

The following information is provided for transparency purposes only:

1. A foreign lawyer who wishes to practice law as a foreign legal consultant in Korea must be approved by the Minister of Justice, must have practiced law for at least three years in the jurisdiction where he or she is qualified as a lawyer, and must be in good standing of the legal profession in the jurisdiction.
2. Permission of the Minister of Justice is required for the establishment of a representative office in Korea. The representative office consists of a foreign legal consultant(FLC) or FLCs approved by the Minister of Justice. It must have credibility and expertise, and sufficient capability to compensate for damages caused to the client, if any. The chief of the representative office must have practiced law for at least seven years, including three years in the jurisdiction of his or her qualification.
3. A representative office can conduct profit-making activities provided that such presence in Korea maintains proper business plans and financial bases, and must observe the *Foreign Legal Consultant Act* and its presidential decree.

Mode 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. Accounting, auditing and book keeping services (CPC 862)	<p>1) Unbound for auditing services.</p> <p>2) Unbound for auditing services.</p> <p>3) Only sole proprietorships, auditing task forces, and accounting corporations (limited liability companies) by certified public accountants(CPAs) licensed under the <i>Certified Public Accountant Act</i> are permitted.</p> <p>Only CPAs in auditing task forces and accounting corporations (limited liability companies) are allowed to supply auditing services.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	<p>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.</p> <p>The following services may be supplied to a Korean accounting firm or office through a membership contract:</p> <ul style="list-style-type: none"> <li>- Consultancy for foreign accounting standards and auditing, training of CPAs, transfer of auditing technology and exchange of information.</li> </ul>		
4) Unbound except as indicated in the Horizontal Commitments section.	In order to practice as a CPA, a candidate must have field experience of two years in Korea after passing the CPA	4) Unbound except as indicated in the Horizontal Commitments section.	4) Temporary movement of natural persons who are qualified as CPAs under their home country's laws and are employed		

Modes of Supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Sector or Sub-sector			
c. Taxation services (CPC 863)	1) Unbound for tax reconciliation services and tax representative services. 2) Unbound for tax reconciliation services and tax representative services. 3) Only sole proprietorships, tax reconciliation task forces, tax agency corporations (limited liability companies) by certified tax accountants(CTAs) licensed under the <i>Certified Tax Accountant Act</i> are permitted.	1) None 2) None 3) None	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.
Only CTAs in tax reconciliation task forces, tax agency corporations (limited liability companies) are allowed to supply tax reconciliation services.	4) Unbound except as indicated in the Horizontal Commitments section.	4) Unbound except as indicated in the Horizontal Commitments section.	In order to practice as a CTA, a candidate must have field experience of six months in Korea after passing the CTA examination.

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
d. Architectural services (CPC 8671)	<p>1) Commercial presence is required, except for circumstances where services are supplied by foreign architects through joint contracts with architects licensed under Korean laws.</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p>	<p>1)(2)(4) Supply of services by foreign architects through joint contracts with architects licensed under Korean laws is allowed.</p> <p>The foreign-certified or licensed architects who have completed a professional practice of five years and are recognized to have an equal professional status as that of Korean architects by the Minister of Land, Infrastructure and Transport are eligible to apply for the Architect Qualifying Examination without having completed the intern development program enforced in Korea. They may acquire a Korean architect license by passing the following two subjects of the Architect Qualifying Examination</p> <p>(a) architectural design I; and</p> <p>(b) architectural design II</p>
e. Engineering services (CPC 8672)	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the</p>	

<b>Modes of Supply:</b> 1) Cross-border supply	<b>2) Consumption abroad</b>	<b>3) Commercial presence</b>	<b>4) Presence of natural persons</b>
<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
f. Integrated engineering services (CPC 8673)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
g. Urban planning and landscape architectural services (CPC 8674)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
i. Veterinary services (CPC 932)	1) Unbound 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) Unbound 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
B. Computer and Related Services			
a. Consultancy services related to the installation of computer hardware (CPC 841)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
b. Software implementation services (CPC 842)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
c. Data processing services (CPC 843)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
d. Data base services (CPC 844)	1) None 2) None	1) None 2) None	

<b>Mode of Supply:</b> 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons	<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
e. Other (CPC 845, 849)		3) None 4) Unbound except as indicated in the Horizontal Commitments section.	3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
C. Research and Development Services				
a. Research and development services on natural sciences (CPC 851)		1) None 2) None 3) Unbound 4) Unbound except as indicated in the Horizontal Commitments section.	1) For marine scientific research, a foreign person, a foreign government, or Korean enterprise owned or controlled by a foreign person that intends to conduct marine scientific research in the territorial water or exclusive economic zone of Korea must obtain prior authorization or consent from the Ministry of Oceans and Fisheries. 2) None 3) Unbound 4) Unbound except as indicated in the Horizontal Commitments section.	
b. Research and development services on social sciences and humanities (CPC 852)		1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
c. Interdisciplinary research and development services (CPC 853)		1) None 2) None 3) Unbound 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) Unbound 4) Unbound except as indicated in the Horizontal Commitments section.	

<b>Modes of Supply:</b> 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons	<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
D. Real Estate Services  (CPC 82203*, 82204*, 82205*, 82206*)		1) Unbound 2) None for real estate located abroad 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) Unbound 2) None for real estate located abroad 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
Appraisal services (CPC 82201*, 82202*)		1) Unbound 2) None for real estate located abroad 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) Unbound 2) None for real estate located abroad 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
E. Rental/Leasing Services without Operators				
a. Relating to ships (CPC 83103)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
b. Relating to aircraft (CPC 83104)	1) Unbound 2) Unbound 3) Joint venture in which foreign equity participation is less than 50 percent is permitted.  4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) Representatives of joint venture companies must be Korean nationals.  4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) Representatives of joint venture companies must be Korean nationals.  4) Unbound except as indicated in the Horizontal Commitments section.	

<b>Modes of Supply:</b> 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons	<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
c. Relating to other transport equipment (CPC 83101, 83105*) <sup>4</sup>				
d. Relating to other machinery and equipment (CPC 83106 - 83109)				
e. Other				
Leasing or rental services concerning personal or household goods (CPC 832)				
<u>Other Business Services</u>				
a. Advertising services (CPC 871)				
b. Market research and public opinion polling services (CPC 864)				
c. Management consulting services (CPC 865)				

<sup>4</sup> 83105\*: Only passenger vehicles for less than 15 passengers under CPC 83105.

Modus of Supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Sector or Sub-sector			
d. Project management services and other management services (CPC 86601, 86609)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
e. Composition and purity testing and analysis services (CPC 86761*) <sup>5</sup>	1) None 2) None 3) Establishment of a commercial presence is subject to the economic needs test. Main Criteria: The number of and impact on existing domestic suppliers, protection of public health, safety, and environment. 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
e. Testing and analysis services of physical properties (CPC 86762)	1) Unbound 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) Unbound 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
e. Technical inspection services (CPC 86764)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
e. Testing and analysis services of integrated mechanical and electrical systems (CPC 86765*, 86769*) <sup>6</sup>	1) Unbound 2) Unbound 3) Unbound 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	

<sup>5</sup> 86761\*: Only inspection, testing and analysis services of air, water, noise level and vibration level under CPC 86761.

<sup>6</sup> 86763\*, 86769\*: Only testing and analysis services of electrical products under CPC 86763, 86769.

Mode 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. Consulting services related to agriculture and animal husbandry (CPC 8811*, 8812*)		1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section		1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.		
f. Poultry differentiation service (CPC 8811*, 8812*)		1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.		1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.		
f. Services incidental to forestry excluding aerial fire fighting and disinfection (CPC 8814*)		1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.		1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.		
g. Consulting services related to fishing (CPC 882*)		1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.		1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.		
h. Services incidental to mining (CPC 883)		1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.		1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.		
i. Services incidental to manufacturing: Only consulting services related to manufacturing technologies of new products (CPC 884* and 885* excluding 88411, 88450, 88442, and 88493)		1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.		1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.		
k. Placement services of personnel		1) None 2) None		1) None 2) 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
(CPC 87201, 87202)	3) Foreign service suppliers may supply services only in the form of a corporation under the <i>Commercial Act</i>	3) None		
Excluding placement services for seafarers under the <i>Seafarers Act</i> *	4) Unbound except as indicated in the Horizontal Commitments section.	4) Unbound except as indicated in the Horizontal Commitments section.	4) Unbound except as indicated in the Horizontal Commitments section.	
Notes for transparency purposes:				
	1. The corporations shall follow the rules for service fees determined and announced by the Minister of Employment and Labor.			
	2. The corporations shall be established with a paid-in capital of 50 million Won or more. If suppliers wish to install additional branch offices, the total paid-in capital shall increase by 20 million Won for each branch office additionally installed.			
m. Related scientific and technical consulting services	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
Geological, geophysical and other scientific prospecting services (CPC 86751)				
Subsurface surveying services (CPC 86752)				
Surface surveying services (CPC 86753*)	1) Unbound 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) Unbound 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) Unbound 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
Excluding services related to cadastral survey				
Map-making services (CPC 86754*)	1) Unbound 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) Unbound 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) Unbound 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
Excluding services related to cadastral maps				
n. Maintenance and repair of equipment	1) None 2) None 3) None	1) None 2) None 3) None	1) None 2) None 3) None	

<b>Modus of Supply:</b> 1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons	
<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>		<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
8863, 8864, 8865, 8866)	4) Unbound except as indicated in the Horizontal Commitments section.		4) Unbound except as indicated in the Horizontal Commitments section.	
o. Building-cleaning services (CPC 874*, excluding 87409)	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.		1) Unbound* 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
p. Photographic services (CPC 875)	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in the Horizontal Commitments section.		1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
q. Packaging services (CPC 876)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.		1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
r. Printing (CPC 88442*) <sup>7</sup>	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.		1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
r. Publishing (CPC 88442*)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.		1) None 2) None 3) Unbound 4) Unbound except as indicated in the Horizontal Commitments section.	
s. Convention agency services (CPC 87909*)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.		1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	

<sup>7</sup> 88442\*: Screen painting, gravure printing and services related to printing under CPC 88442.

<u>Mode of Supply:</u> 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons	<u>Sector or Sub-sector</u>	<u>Limitations on Market Access</u>	<u>Limitations on National Treatment</u>	<u>Additional Commitments</u>
s. Stenography services (CPC 87909*)	1) 2) 3) 4)	None None None Unbound except as indicated in the Horizontal Commitments section.	1) 2) 3) 4)	None None None Unbound except as indicated in the Horizontal Commitments section.
t. Translation and interpretation services (CPC 87905)	1) 2) 3) 4)	None None None Unbound except as indicated in the Horizontal Commitments section.	1) 2) 3) 4)	None None None Unbound except as indicated in the Horizontal Commitments section.
t. Specialty design services (CPC 87907)	1) 2) 3) 4)	None None None Unbound except as indicated in the Horizontal Commitments section.	1) 2) 3) 4)	None None None Unbound except as indicated in the Horizontal Commitments section.

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	
2. COMMUNICATION SERVICES	B. Courier Services	<p>Courier services including express delivery services<sup>8</sup> (CPC 7512*)</p> <p>Excluding the services to collect, process, and deliver letters for which exclusive rights<sup>9</sup> are reserved for the Korean Postal Authority(KPA) under the <i>Postal Services Act</i>.<sup>10</sup></p> <p>The exclusive rights of the KPA include the right of access to its postal network and operation thereof.</p> <p>The commitment shall not be construed to include the right to operate transport services under one's own responsibility for hire.</p> <p>The commitment shall not</p>	<p>1) Provision of services is limited to air and sea transport modes.</p> <p>2) None</p> <p>3) A trucking business license for domestic courier supply is subject to an economic needs test. For greater certainty, a person acquiring an existing domestic courier services supplier does not need to obtain a new trucking business license provided that the acquirer operates under the same terms and conditions as set out in the acquiree's license.</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p>	<p>1) Provision of services is limited to air and sea transport modes.</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p>			

<sup>8</sup> "Express delivery services" means the collection, transport, and delivery of documents, printed matter, parcels, goods, or other items on an expedited basis while tracking and maintaining control of these items throughout the supply of the service.

<sup>9</sup> For greater certainty, Korea reserves the right to adopt or maintain any measure with respect to:

(a) the supply of support services to postal offices by military service personnel or other personnel of the equivalent status; and  
 (b) the Minister of Science, ICT and Future Planning's determination of the total number of vehicles that may belong to the Ministry of Science, ICT and Future Planning and allocation of the vehicles to postal offices, not needing authorisation from the Minister of Land, Infrastructure and Transport.

<sup>10</sup> However, Article 3 of the *Enforcement Decree of the Postal Services Act*, allows private couriers to operate commercial document services, which include a) unsealed freight-attached documents or dispatch notes, b) trade-related documents, c) foreign capital or technology-related documents, and d) foreign exchange or its related documents.

<u>Modes of Supply:</u> 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons	<u>Sector or Sub-sector</u>	<u>Limitations on Market Access</u>	<u>Limitations on National Treatment</u>	<u>Additional Commitments</u>
		include, under any circumstances, the grant of air traffic rights to courier operators with own Air Operator's Certificate (AOC) and aircraft fleet.		
C. Telecommunication Services				
a. Voice telephone services	1) The provision of all services is subject to commercial arrangements with licensed Korean service suppliers.	1) None		
b. Packet-switched data transmission services	2) None	2) None		
c. Circuit-switched data transmission services	3) A license for facilities-based public telecommunications services or a registration for non-facilities based public telecommunications services shall be granted only to a juridical person organized under Korean law.	3) None	As contained in the attachment 1 (Reference Paper).	
d. Telex services				
e. Telegraph services				
f. Facsimile services				
g. Private leased circuit services				
o. Other				
Digital cellular services Paging services	A foreign government or its representative, or a foreign person may not obtain or hold a radio station license.			
PCS (personal communications services)	A license for facilities based public telecommunications services shall not be granted to or held by a juridical person organized under Korea law in which a foreign government, foreign person, or a deemed foreign person* holds in the			
TRS (trunked radio system) services				

<b>Mode of Supply:</b> 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons	<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons	IAS(Internet access services)  Mobile data services  VoIP(Voice over Internet protocol) services connected to the PSTN(public switched telephone network)	A foreign government, foreign person, or aggregate more than 49 percent of its total voting shares.  A foreign government, foreign person, or deemed foreign person* may not in the aggregate hold more than 49 percent of the total voting shares of a facilities-based supplier of public telecommunications services.	A foreign government, foreign person, or deemed foreign person* may not in the aggregate hold more than 49 percent of the total voting shares of a facilities-based supplier of public telecommunications services.	
1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons	Value-added Services <sup>11</sup> :  h. Electronic mail i. Voice mail j. On-line information and data base retrieval k. Electronic data interchange l. Enhanced/value-added facsimile services including	4) Unbound except as indicated in the Horizontal Commitments section.  4) Unbound except as indicated in the Horizontal Commitments section.  4) Unbound except as indicated in the Horizontal Commitments section.  4) Unbound except as indicated in the Horizontal Commitments section.	4) Unbound except as indicated in the Horizontal Commitments section.  4) Unbound except as indicated in the Horizontal Commitments section.  4) Unbound except as indicated in the Horizontal Commitments section.	Value-added service providers are allowed to supply data transmission services <sup>13</sup> .

<sup>11</sup> "Value-added services" means telecommunication services, which are provided through telecommunications network facilities leased from facilities-based basic telecommunication

<sup>13</sup> Service providers, and which store and forward, or process and forward, the customer's information.

Telecommunication services which transmit and/or exchange the customer's data 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			
m. Store and forward, store and retrieve							
n. Code and protocol conversion							
o. On-line information and/or data processing (including transaction processing)							
o. Other							
On-line data base and remote computing services <sup>12</sup>							
D. Audiovisual Services							
a. Motion picture and video tape production and distribution services (CPC 96112*, 96113*)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.  Excluding those services for cable TV broadcasting	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.
e. Record production and distribution services (Sound recording)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.
3. CONSTRUCTION SERVICES (CPC 511-518)	1) Unbound* except for CPC 5111 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) Unbound* except for CPC 5111 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) Unbound* except for CPC 5111 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) Unbound* except for CPC 5111 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) Unbound* except for CPC 5111 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) Unbound* except for CPC 5111 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) Unbound* except for CPC 5111 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.
4. DISTRIBUTION SERVICES <sup>14</sup>							

<sup>12</sup> On-line data base and remote computing services do not cover telecommunication services which mediate third party communications.

<sup>14</sup> Excluding

- (a) trade in firearms, explosives and swords;
- (b) works of art and antiques, and
- (c) the establishment and operation of, and distribution services at,

Modes of Supply: 1) Cross-border supply      2) Consumption abroad

3) Commercial presence

4) Presence of natural persons

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
A. Commission Agents <sup>1</sup>	<p>1) Unbound for pharmaceuticals and medical goods.</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p>	
B. Wholesale Trade Services (CPC 622, excluding grain in 62211, 62223, ginseng, red ginseng and farmaceous products in 62229 and fertilizers in 62276)	<p>1) Unbound for pharmaceuticals, medical goods, functional foods, and items subject to limitations under Mode 3.</p> <p>2) None</p> <p>3) Following services are subject to the economic needs test:</p> <ul style="list-style-type: none"> <li>- wholesale trade of used cars</li> <li>- wholesale trade of gaseous fuels and related products</li> </ul> <p>Main criteria: Formation of reasonable prices, the number of and impact on existing suppliers for balance of demand and supply, healthy development of the industry, and establishment of orderly trade. In addition, population density, traffic, environmental pollution, local conditions, and other local characteristics as well as public interests.</p> <p>A person that supplies alcoholic beverages wholesale distribution services must obtain authorisation from the head of the relevant tax office, which is subject to an economic needs test. The Minister for Health and Welfare controls the supply and demand of the</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	

(i) the public wholesale markets for agricultural, fishery and livestock products, which are officially designated by the local authorities as public wholesale markets.

(ii) joint wholesale markets which are established and operated by producers' organizations or public interest corporations prescribed in *the Presidential Decree of the Act on Distribution and Price Stabilization of Agricultural and Fishery Products*; and

(iii) livestock markets which are established and operated by the Livestock Cooperatives under *the Agriculture and Cooperative Act*.

For greater certainty, Korea reserves the right to adopt or maintain any measure with respect to the administration of the WTO Tariff-Rate-Quota.

Modes of Supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Sector or Sub-sector			
C. Retailing Services (CPC 6111, 61130, 61210, 613*(excluding retail trade and gas station business related to LPG), 631*(excluding tobacco, rice, ginseng and red ginseng), 632	<p>1) Unbound for pharmaceuticals, medical goods, functional foods, and items subject to limitations under Mode 3.</p> <p>2) None</p> <p>3) Retailing services for used cars and gaseous fuels are subject to the economic needs test.</p> <p>Main criteria: The number of and impact on existing domestic suppliers, the population density, traffic, environmental pollution, local conditions, and other local characteristics as well as public interests.</p> <p>The sale of alcoholic beverages by telephone or in electronic commerce is prohibited.</p> <p>Only a natural person that is a licensed <i>an-gung-sa</i>(optician or optometrist) that has established an office in Korea may engage in optician or optometry services.</p> <p>Only a licensed <i>an-gung-sa</i>(optician or optometrist) may establish an office for operations, and may not establish more than one office per an <i>an-gung-sa</i>.</p> <p>A person that supplies pharmaceutical product retail distribution services(including distribution of <i>han-yak-iae</i>(Asian medicinal herbs)) may not establish more than one pharmacy nor</p>	<p>4) Unbound except as indicated in the Horizontal Commitments section.</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</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. Franchising (CPC 8929*) <sup>15</sup>	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	establish in the form of a corporation.	4) Unbound except as indicated in the Horizontal Commitments section.
		1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	

※Notes

The following explanation pertains to Retailing Services, Supply of pharmaceuticals directly to the general public (Pharmacies) should be only allowed by certified pharmacists in order to protect public health.

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<sup>15</sup> Franchising services are limited to those items which are allowed under Wholesale Trade Services and Retailing Services in this Schedule.

Modus of Supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Sector or Sub-sector			
5. EDUCATIONAL SERVICES <sup>16</sup>	<p>C. Higher Education Services<sup>17</sup> (CPC 923*)</p> <p>Higher education services provided by private higher education institutions, which obtained recognition from the government or public accreditation bodies, for the purpose of conferring degrees.</p> <p>Excluding:</p> <ul style="list-style-type: none"> <li>(i) Health- and medical-related higher education;</li> <li>(ii) Higher education for prospective pre-primary, primary and secondary school teachers;</li> <li>(iii) Professional graduate education in law; and</li> <li>(iv) Universities via broadcasting and communications, and cyber universities.</li> </ul> <p>- Operation of joint educational programs with junior colleges, universities and</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) - Only those non-profit school juridical persons<sup>18</sup>, established under the approval by the Minister of Education under the Minister's authorization (Intra-company Universities do not need to establish a school juridical person).</p> <p>- Only the types of educational institutions listed in Attachment 2 are allowed.</p> <p>- In the Seoul Metropolitan Area<sup>19</sup> the new establishment, extension, or transfer of a higher education institution other than Intra-company Universities may be restricted</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) Unbound</p>

<sup>16</sup> Specific commitments on market access and national treatment through any mode of supply shall not be construed to apply to the recognition of university degrees for the purpose of admission, registration and qualification for professional practice in Korea.

<sup>17</sup> Types of higher education institutions are listed in Attachment 2 concerning Higher Education Services.

<sup>18</sup> "School juridical person" means a non-profit juridical person established solely for the purpose of establishing a regular educational institution in accordance with pertinent education-related laws.

<sup>19</sup> "Seoul Metropolitan Area" means the Seoul Metropolitan City, the Incheon Metropolitan City, and the Gyeonggi Province.

<b>Mode of Supply:</b> 1) Cross-border supply Sector or Sub-sector	2) Consumption abroad <b>Limitations on Market Access</b>	3) Commercial presence <b>Limitations on National Treatment</b>	4) Presence of natural persons <b>Additional Commitments</b>
	<p>industrial universities is limited to foreign universities, which obtained accreditation by foreign public accreditation bodies or which acquired recognition or recommendation by their governments, in fields that the president of the university (junior college) recognizes as necessary.</p> <p>-The Minister of Education may restrict the number of students for each educational institution and the total number of higher education institutions located in the Seoul Metropolitan Area.</p>		
D. Adult Education Services <sup>20</sup> (CPC 924*)	<p>Adult education services provided by private adult educational institutions.</p> <p>Excluding:</p> <ul style="list-style-type: none"> <li>(i) education services which recognize education qualifications, or confer, or are linked with, local or foreign credits, degrees or diplomas;</li> <li>(ii) vocational training</li> </ul>	<p>1) Unbound for health- and medical related adult education services.</p> <p>2) None</p> <p>3) The types of adult education institutions that a foreign person may establish in Korea are limited to:</p> <ul style="list-style-type: none"> <li>(a) <i>hag-won</i> (private teaching institutes for adults)<sup>21</sup> related to lifelong and vocational education; and</li> <li>(b) lifelong adult education facilities operated for purposes other than recognizing educational qualifications or conferring diplomas, which are:</li> </ul>	<p>1) Unbound for health- and medical related adult education services.</p> <p>2) None</p> <p>3) Unbound</p>

<sup>20</sup> Types of adult education institutions are listed in Attachment 2 concerning Adult Education Services.

<sup>21</sup> For the purposes of this limitation, "*hag-won* (private teaching institutes for adults)" are facilities that provide tutoring services on subjects related to lifelong or vocational education to ten people or more for a period of 30 days or longer.

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
		(i) annexed to workplaces, non-governmental organizations, schools and media organizations; (ii) related to the development of knowledge and human resources; all of which are established for adults.			
(iii) educational services via broadcasting; and vocational training services provided by institutions under authority delegated by the government.		In the Seoul Metropolitan Area, any new establishment, extension, or transfer of an adult training facility that equals or exceeds 3,000 square meters in total floor area may be restricted.	4) Unbound except as indicated in the Horizontal Commitments section.	4) Unbound except as indicated in the Horizontal Commitments section.	
6. ENVIRONMENTAL SERVICES	A. Sewage Services			A foreign national hired by <i>hag-won</i> (private teaching institutes for adults) as a lecturer must possess at least a bachelor's degree or the equivalent, and reside in Korea.	
	Refuse water disposal services (CPC 9401*) <sup>22</sup>	1) Unbound 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.		1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
	B. Refuse Disposal Services				

<sup>22</sup> 9401\*: Only collection and treatment services of industrial waste water under CPC 9401

<b>Modus of Supply:</b> 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons	<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
Industrial refuse disposal services (CPC 9402*) <sup>23</sup>	1) Cleaning services of exhaust gases and noise abatement services (CPC 9404, 9405)	1) Unbound 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
Environment testing and assessment services (CPC 9406*, 9409*) <sup>24</sup>	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
Soil Remediation and Groundwater Purification (CPC 9404*)	1) Unbound 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
Environment consulting services (CPC 9409*)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	

<sup>23</sup> 9402\*: Only collection, transport and disposal services of industrial refuse under CPC 9402.

<sup>24</sup> 9406\*, 9409\*: Only environmental impact assessment services under CPC 9406 and 9409.

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
Explanation on Financial Services			
1. Financial sectors are basically re-classified according to the category of Annex 8-A. Therefore the order of sub-sectors is different from that of the commitment in GATS/SC/48/Suppl.3/Rev.1.			
2. Specific statements in the sub-sectors apply only to existing domestic financial services.			
<b>7. FINANCIAL SERVICES</b>			
<p>All financial services are subject to the following provisions.</p> <p>(1) For prudential reasons within the context of paragraph 2(a) of Annex 8-A, Korea shall not be prevented from taking measures including requirements related to parent companies, the minimum capital requirement, minimum operating funds requirement, business worker's license and approval for business activities.</p> <p>(2) A financial institution must be established for only one business defined in related law and thus cannot engage in other business activities regulated by other relevant laws.</p> <p>(3) Cross-border supply of financial services and supply through consumer movement shall not be settled in Korean Won. After the establishment of a commercial presence, financial institutions may handle only transactions, denominated and settled in Korean Won, with residents. Approval is required for transactions denominated or settled in foreign currency or transactions with non-residents.</p> <p>(4) Assets owned by branches must be kept within the territory of Korea. Capital of the head office is not recognized as the basis for determining the extent of funding and lending activities of domestic branches.</p> <p>(5) Demand deposit interest rates are regulated.</p> <p>(6) The management and operation of assets of a financial institution are restricted.</p> <p>(7) A financial institution may not own non-business real estate.</p> <p>(8) Introduction of new financial products including derivatives is subject to approval.</p>			
<b>A. Insurance and Insurance-related Services</b>			
(i) Direct Insurance	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) Commercial presence is permitted only to foreign life insurance companies.</p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) None</p>	
a) Life Insurance Services Including accident and health insurance services	<p>Establishment of joint ventures with Korean life insurance companies is not allowed.</p> <p>Recruitment and employment of insurance professionals, including sales personnel, are restricted.</p> <p>Top executive personnel of each establishment must reside in Korea.</p>		
4)	Unbound except as indicated in the	4) Unbound except as indicated in the	

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	
b) Non-life services	Insurance	1) Unbound except for marine export/import cargo and aviation insurance. 2) Unbound 3) Commercial presence is permitted only to foreign non-life insurance companies. Establishment of joint ventures with Korean non-life insurance companies is not allowed. Recruitment and employment of insurance professionals, including sales personnel, are restricted. Top executive personnel of each establishment must reside in Korea. 4) Unbound except as indicated in the Horizontal Commitments section.		1) Unbound 2) Unbound 3) None	
(ii) Reinsurance and retrocession services		1) None 2) None 3) Commercial presence is permitted only to foreign reinsurance and retrocession insurance companies. Recruitment and employment of insurance professionals, including sales personnel, are restricted. Establishment of joint ventures with Korean reinsurance and retrocession insurance companies is not allowed. Top executive personnel of each establishment must reside in Korea. 4) Unbound except as indicated in the Horizontal Commitments section.		1) None 2) None 3) None	

<b>Modes of Supply:</b> 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons	<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
(iii) Insurance broking and agency services	1) Unbound 2) Unbound 3) Commercial presence is permitted only to foreign insurance brokerage companies. Top executive personnel of each establishment must reside in Korea.	1) Unbound 2) Unbound 3) None	1) Unbound 2) Unbound 3) None	
a) Brokerage	4) Unbound except as indicated in the Horizontal Commitments section.	4) Unbound except as indicated in the Horizontal Commitments section.	4) Unbound except as indicated in the Horizontal Commitments section.	
b) Agency	1) Unbound 2) Unbound 3) None, except that top executive personnel of each establishment must reside in Korea. 4) Unbound except as indicated in the Horizontal Commitments section.	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None	
(iv) Services auxiliary to insurance; applicable only to sub-sector a) and b)	1) Unbound 2) Unbound 3) Commercial presence is permitted only to foreign claim settlement and adjustment companies and actuarial companies. Top executive personnel of each establishment must reside in Korea.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None	
a) Claim settlement and adjustment services <sup>25</sup>	4) Unbound except as indicated in the Horizontal Commitments section.	4) Unbound except as indicated in the Horizontal Commitments section.	4) Unbound except as indicated in the Horizontal Commitments section.	
b) Actuarial services	4) Unbound except as indicated in the Horizontal Commitments section.	4) Unbound except as indicated in the Horizontal Commitments section.	4) Unbound except as indicated in the Horizontal Commitments section.	
B. Banking and Other Financial Services	1) Unbound 2) Unbound 3) Commercial presence is permitted only to foreign financial institutions (except for financial leasing) which deal with the same sectors listed below	1) Unbound 2) Unbound 3) None	1) Unbound 2) Unbound 3) None	

<sup>25</sup> Activities which assess and adjust the loss and compensation.

Mode 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
(i) Deposit <sup>26</sup>		services in their country of origin.				
(ii) Lending <sup>27</sup>		A person may own up to 10 percent of the stocks of a bank(up to four percent in case of non-financial service business entity) and 15 percent of the stocks of a provincial bank without the special authorization of the relevant authorities <sup>28</sup> .				
(iii) Financial leasing						
(iv) Payment and Money transmission		A person can own up to 100 percent of a bank and a provincial bank with the special authorization of the relevant authorities.				
(v) Guarantees and Commitments		Foreign exchange position is regulated. The oversold position of spot foreign exchange is US\$ 5 million, or three percent of capital (whichever is greater)				
(vi) Foreign exchange services <sup>29</sup>		Deposit for specific purpose, such as housing subscription deposit, may be handled only by designated institutions.				
(vii) Settlement and clearing <sup>30</sup>		Securities savings and credit granting are subject to restriction of ceiling and operation. Lending to credit card members through such means as card loans is subject to limitation. For credit card services, maximum limits are applied to various rates such as fees and interest rates. The maturity of CDs shall be more than 30 days. Underlying transaction and documentation requirements apply to foreign exchange transactions. Underlying documentation requirements are exempt in the case of				

<sup>26</sup> Activities in which banks obtain funds from the public by receiving deposits or issuing transferable instruments or other securities.

<sup>27</sup> Activities in which banks provide funds to the public in order to receive interest via loans or bill discounts.

<sup>28</sup> The definitions of "a person" and "non-financial service business entity" are in accordance with the relevant provision of the *Presidential Decree of the Banking Act*.

<sup>29</sup> Activities which issue, remit and collect foreign exchange.

<sup>30</sup> Activities which settle and clear notes, bills and cheques by banks according to the Article of KFTCI (Korea Financial Telecommunications and Clearings Institute).

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
	forward transactions Mandatory lending to small-and-medium sized companies is required.  Foreign currency loans are restricted with respect to ceiling and uses. Top executive personnel of financial leasing, credit granting and security savings companies must reside in Korea.		
(viii) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise	4) Unbound except as indicated in the Horizontal Commitments section.	4) Unbound except as indicated in the Horizontal Commitments section.	
a) Money market instruments (including cheques, bills, certificates of deposit)	1) Unbound 2) Unbound 3) Commercial presence is permitted only to foreign financial institutions which deal with the same instruments in their country of origin. Representative offices may be established by pre-notification Top executive personnel of each establishment must reside in Korea.	1) Unbound 2) Unbound 3) None	
b) Foreign exchange	4) Unbound except as indicated in the Horizontal Commitments section.	4) Unbound except as indicated in the Horizontal Commitments section.	
c) Financial derivative products ( including futures and options)			
d) Exchange rate and interest rate instruments (including interest swaps and forward rate agreements)			

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) Transferable securities						
D) Other negotiable instruments and financial assets (including bullion)						
(ix) Participation in issues of all kinds of securities		1) Unbound 2) Unbound 3) Commercial presence is permitted only to foreign financial institutions which deal with the issuing of all kinds of securities.		1) Unbound 2) Unbound 3) None		
a) Security issue						
b) Underwriting						
c) Placement						
d) Other services related to securities		Representative offices may be established by pre-notification. Top executive personnel of each establishment must reside in Korea.	4) Unbound except as indicated in the Horizontal Commitments section.	4) Unbound except as indicated in the Horizontal Commitments section.		
(x) Asset management :applicable only to Services listed below		1) Unbound 2) Unbound 3) Commercial presence is permitted only to foreign asset management companies. Representative offices may be established by pre-notification.		1) Unbound 2) Unbound 3) None		
a) Cash or portfolio management		To handle a trust business, approval (two types) is required from the Financial Services Commission both for engaging in businesses other than the main banking businesses and for engaging in the trust business.				
b) All forms of collective investment management		Unbound for real estate trust businesses.				
c) Custody		Top executive personnel of each establishment must reside in Korea.				
d) Trust <sup>31</sup> (including investment discretionary advisory service)		4) Unbound except as indicated in the	4) Unbound except as indicated in the			

<sup>31</sup> Activities where a trustee is commissioned to manage the financial assets for beneficiary's benefit.

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
(xi) Credit information services	Horizontal Commitments section. 1) Unbound 2) Unbound 3) Unbound except for equity participation of less than 50 percent in existing financial information companies.	Horizontal Commitments section. 1) Unbound 2) Unbound 3) None	
(xii) Advisory, intermediation and other auxiliary financial services :applicable only to services listed below	4) Unbound except as indicated in the Horizontal Commitments section.	4) Unbound except as indicated in the Horizontal Commitments section.	
a) Investment advice	1) Unbound 2) Unbound 3) Commercial presence is permitted only to foreign investment advisory companies. Representative offices may be established by pre-notification. Top executive personnel of each establishment must reside in Korea.	1) Unbound 2) Unbound 3) None	
b) Credit rating and analysis	4) Unbound except as indicated in the Horizontal Commitments section.	4) Unbound except as indicated in the Horizontal Commitments section. 1) Unbound 2) Unbound 3) None	
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.			

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
9. TOURISM AND TRAVEL RELATED SERVICES	4) Unbound except as indicated in the Horizontal Commitments section.	4) Unbound except as indicated in the Horizontal Commitments section.	4) Unbound except as indicated in the Horizontal Commitments section.	4) Unbound except as indicated in the Horizontal Commitments section.	
A. Hotels and Restaurants (CPC 641, 642, 6431*)	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
B. Travel Agencies and Tour Operators Services	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
C. Tourist Guides Services (CPC 7472)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	

<sup>32</sup> This exclusion does not affect the commitment on catering under CPC 642.

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
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES					
A. <u>Entertainment Services</u> (CPC 96191, 96192)					
	1)	Unbound		1)	Unbound
	2)	None		2)	None
	3)	None		3)	Unbound
	4)	Unbound except as indicated in the provided by individual artists or groups such as musical, theatre, live band, opera, etc.	Horizontal Commitments section.	4)	Unbound except as indicated in the Horizontal Commitments section.
11. TRANSPORT SERVICES					
A. <u>Maritime Transport Services</u> <sup>33</sup>					

<sup>33</sup> Refer to ATTACHMENT 3 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	
International transport (CPC 7211*, 7212*)	1) a) Liner shipping: None b) Bulk, tramp, and other international shipping: None 2) None 3) a) Establishment of a registered company for the purpose of operating a fleet under the national flag of Korea: i) International maritime passenger transport: Unbound ii) International maritime cargo transport: Only <i>Chusik Hoesa</i> (stock companies) as stipulated under the <i>Commercial Act</i> are permitted. b) Other forms of commercial presence: None 4) a) Ship's crew: Unbound b) Shore personnel: Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) a) None	The following services at the port are made publicly available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions. 1. Pilotage 2. Towing and tug assistance 3. Provisioning, fuelling and watering 4. Garbage collecting and ballast waste disposal 5. Port Captain's services 6. Navigation aids 7. Shore-based operational services essential to ship operations, including communications, water and electrical supplies 8. Emergency repair facilities 9. Anchorage, berth and berthing services	
* Notes	Without prejudice to the scope of activities which may be considered as cabotage under the relevant national legislation, this Schedule does not include maritime cabotage services, which are assumed to cover transportation of passengers or goods between a port or point located within the territory of the Republic of Korea, and traffic originating and terminating in the same port or point located within the territory of the Republic of Korea, provided that this traffic remains within the Republic of Korea's territorial waters.			
Maritime Auxiliary Services				

Modes of Supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Sector or Sub-sector			
Maritime cargo handling services (CPC 741*) <sup>34</sup>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p>	
Storage and warehouse services in ports (CPC 742*) <sup>35</sup>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p>	
Customs Clearance service (CPC 748*) <sup>34</sup>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p>	
Maritime agency services (CPC 741*) <sup>35</sup>	<p>1) None</p> <p>2) None</p> <p>3) All the companies as stipulated under the <i>Commercial Act</i> are permitted.</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p>	
Container station services (CPC 741*) <sup>35</sup>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p>	

<sup>34</sup> Agency services on behalf of maritime passenger transport businesses or maritime cargo transport businesses (including foreign transport businesses) under CPC 748

<sup>35</sup> Container station services provided in port areas under CPC 741

Modes of Supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Maritime freight forwarding services (CPC 748*) <sup>36</sup>	<p>1) None</p> <p>2) None</p> <p>3) All the companies as stipulated under the <i>Commercial Act</i> are permitted</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p>	
Shipping brokerage services (CPC 748*, 749*) <sup>37</sup>	<p>1) None</p> <p>2) None</p> <p>3) All the companies as stipulated under the <i>Commercial Act</i> are permitted</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p>	
Maintenance and repair of vessels <sup>38</sup>	<p>1) Unbound*</p> <p>2) None</p> <p>3) All the companies as stipulated under the <i>Commercial Act</i> are permitted</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p>	
Rental of vessels with crew (CPC 7213)	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p>	
Pushing and towing services (CPC 7214)	<p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments section.</p>	

<sup>36</sup> Freight forwarding services by vessels in the name of the forwarder (including any foreign forwarders under contract) under CPC 748.

<sup>37</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>38</sup> Services, such as repair and management of vessels, management of crew, and marine insurance, provided on behalf of a maritime passenger transport business, maritime cargo transport business or vessel leasing business.

<u>Modes of Supply:</u> 1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons	
<u>Sector or Sub-sector</u>	<u>Limitations on Market Access</u>		<u>Limitations on National Treatment</u>	<u>Additional Commitments</u>
Tally, measuring and survey services (CPC 745*)	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
C. Air Transport Services	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
Selling and marketing of air transport services <sup>40</sup>	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
Maintenance and repair of aircraft	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	

<sup>39</sup> As defined in Article 8-20.

<sup>40</sup> Services defined in subparagraph 39 (general air transport agency services) of Article 2 of the *Aviation Act*. "General air transport agency services" means services which 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

<b>Modes of Supply:</b> 1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons	
<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>	
E. <u>Rail Transport Services</u>  a. Passenger transportation (CPC 711)  b. Freight transportation (CPC 7112)	1) Unbound* 2) None 3) Unbound for existing operations. Establishment of new operations are subject to the economic needs test. Main criteria: Establishment of order and discipline in the railroad industry.	1) Unbound* 2) None 3) Unbound		
c. Maintenance and repair of rail (part of CPC 8868) <sup>41</sup>  d. Services auxiliary to rail transport services (part of CPC 741, CPC 7113) <sup>42</sup>	4) Unbound except as indicated in the Horizontal Commitments section.	4) Unbound except as indicated in the Horizontal Commitments section.		
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 the Horizontal Commitments section.	1) Unbound 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) Unbound 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	
G. <u>Pipeline Transport</u> (CPC 7131*)	1) Unbound 2) Unbound 3) None 4) Only the transportation of oil products, excluding the transportation of LPG	1) None 2) None 3) None 4) Horizontal Commitments section.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	

<sup>41</sup> Commitments on maintenance and repair services of rail only apply to the privately owned rail facilities.

<sup>42</sup> Commitments on services auxiliary to rail transport services only apply to the privately owned rail facilities.

<b>Modes of Supply:</b> 1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons		
<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>			<b>Additional Commitments</b>
H. Services Auxiliary to all Modes of Transport	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.			
b. Storage and warehouse services other than those in ports (CPC 742*)	Excluding services for agricultural, fishery and livestock products.				
1. Other Transport Services					
COMBINED TRANSPORT SERVICES					
Freight forwarding for rail transport <sup>43</sup>	1) Unbound 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.	1) Unbound 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments section.			
12. OTHER SERVICES NOT INCLUDED ELSEWHERE					
b. Hairdressing and other beauty services (CPC 9702)	1) None 2) None 3) Unbound 4) Unbound except as indicated in the Horizontal Commitments section.	1) None 2) None 3) Unbound 4) Unbound except as indicated in the Horizontal Commitments section.			

<sup>43</sup> “Freight forwarding for rail transport” means such auxiliary services to be carried out at the ends of railway transport; these services include collecting containerized cargoes, contracting with Korea Railroad Corporation for transport of the freight on trains, loading/unloading and delivery of freight.

## **ATTACHMENT 1 : 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

Either Party 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 Party.

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 2 : EDUCATIONAL SERVICES**

1. The types of higher education institutions are as follows:
  - a) Junior Colleges (excluding Polytechnic Colleges): higher education institutions which offer a two to three year curriculum and confer an associate degree, in accordance with the *Higher Education Act*.
  - b) Universities: higher education institutions which offer a four to six year curriculum and confer a bachelor's degree, in accordance with the *Higher Education Act*.
  - c) Industrial Universities: higher education institutions which offer education on the knowledge and skills needed for an industrial society, and confer a bachelor's degree, in accordance with the *Higher Education Act*.
  - d) Technology Colleges: higher education institutions, which offer a two year curriculum to train expert manpower, and confer associate degrees and bachelor's degrees, in accordance with the *Higher Education Act*.
  - e) Intra-company Universities: higher education institutions which are established and operated by employers to educate employees, and confer degrees or diplomas equivalent to those of Junior Colleges or Universities, in accordance with the *Lifelong Education Act*.
2. The types of adult education institution are as follows:
  - a) *Hag-won* (private teaching institutes for adults) are private education facilities that provide tutoring services on the following subjects related to lifelong or vocational education to ten people or more for a period of 30 days or longer in accordance with the *Establishment and Operation of Private Teaching Institute and Extracurricular Lessons Act*. Excluded are schools, libraries, museums, workplace facilities that provide education services to the employees, lifelong education facilities in accordance with the *Lifelong Education Act*, and driving schools.
    - (i) Infrastructure industrial technology: machinery, automobile, metal, chemical and ceramic, electrics, telecommunications, electronics, shipbuilding, aviation, civil engineering, textile and apparel, mining resources, land development, agriculture and forestry, oceanic industry, energy, crafts, environment, transportation, safety management
    - (ii) Applied industrial technology: design, hair and cosmetic management, food and beverage, packaging, printing, photograph, piano tuning
    - (iii) Computer: telecommunications equipment, software, data processing, the Internet, computer, games

- (iv) Nursing assistant: nursing assistant
  - (v) Culture and tourism: publishing, imaging and recording, film, broadcasting, character products, tourism
  - (vi) International: foreign languages for adults, translation, interpretation
  - (vii) Management and office work: finance, insurance, distribution, real estate, secretary service, accounting, pen writing, bookkeeping, abacus, mental arithmetic, and speed-reading
  - (viii) Humanities: public management, business management, accounting, statistics, public service examination
  - (xi) Arts: traditional Korean music, traditional dance, calligraphy, music, painting, dance, speech, modelling, cartoon, baduk, theatre arts, flower arrangement, floral art and crafts.
- b) Lifelong education facilities are the facilities which have been approved by, registered with or notified to the Ministry of Education in accordance with the *Lifelong Education Act*. Lifelong adult education facilities refer to lifelong education facilities annexed to workplaces, non-governmental organizations, schools, and media organizations, and lifelong education facilities related to the development of knowledge and human resources, all of which are established for adults.

## **ATTACHMENT 3 : 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; and
- 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; or
- 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.

7. Tally, Measuring and Survey Services:

- Tally services: Activities consisting of calculating the number of cargoes or verifying the delivery and the receipt when loading and unloading.
- Measuring services: Activities consisting of calculating or verifying the volume or weight of cargoes when loading and unloading.
- Survey services: Activities consisting of the verification, inspection and survey related with shipped cargoes and vessels (including barges).