LIST A

EXPLANATORY NOTES

1. This List sets out, pursuant to Article 8.8 (Schedules of Non-Conforming Measures) and Article 10.8 (Reservations and Non-Conforming Measures), Korea's existing measures that are not subject to some or all of the obligations imposed by:

   (a) Article 8.4 (National Treatment) or 10.3 (National Treatment);

   (b) Article 8.5 (Market Access);

   (c) Article 8.6 (Most-Favoured-Nation Treatment) or 10.4 (Most-Favoured-Nation Treatment);

   (d) Article 8.11 (Local Presence);

   (e) Article 10.6 (Prohibition of Performance Requirements); or

   (f) Article 10.7 (Senior Management and Board of Directors).

2. Each List entry sets out the following elements:

   (a) **Sector** refers to the sector for which the entry is made;

   (b) **Level of Government** [1] indicates the level of government maintaining the listed measures;

   (c) **Obligations Concerned** specifies the Articles referred to in paragraph 1 that, pursuant to subparagraph 1(a) of Article 8.8 (Schedules of Non-Conforming Measures) and subparagraph 1(a) of Article 10.8 (Reservations and Non-Conforming Measures), do not apply to the non-conforming aspects of the law, regulation, or other measure, as set out in paragraph 3;

   (d) **Description** sets out commitments, if any, for liberalisation on the date of entry into force of this Agreement, and the remaining non-conforming aspects of the measure for which the entry is made; and

   (e) **Measures**[2] identify the laws, regulations, or other measures for which the entry is made. A measure cited in the Measures element:

      (i) means the measure as amended, continued, or renewed as of the date of entry into force of this Agreement; and

      (ii) includes any subordinate measure adopted or maintained under the authority of and consistent with the measure.

3. In the interpretation of a List entry, all elements of the entry shall be considered. An entry shall be interpreted in light of the relevant articles of the Chapters against which the entry is made. To the extent that:

   (a) the Measures element is qualified by a liberalisation commitment from the Description element, the Measures element as so qualified shall prevail over all other elements; and

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

4. In accordance with subparagraph 1(a) of Article 8.8 (Schedules of Non-Conforming Measures) and subparagraph 1(a) of Article 10.8 (Reservations and Non-Conforming Measures), and subject to subparagraph 1(c) of Article 8.8 (Schedules of Non-Conforming Measures) and subparagraph 1(c) of Article 10.8 (Reservations and Non-Conforming Measures), the Articles of this Agreement specified in the Obligations Concerned element of an entry do not apply to the non-conforming aspects of the law, regulation, or other measure identified in the Measures element of that entry.

5. Where Korea maintains a measure that requires that a service provider be a citizen, permanent resident, or resident of its territory as a condition to the provision of a service in its territory, a List entry for that measure taken with respect to Article 8.4 (National Treatment), Article 8.6 (Most-Favoured-Nation Treatment), or Article 8.11 (Local Presence) shall operate as a List entry with respect to Article 10.3 (National Treatment), Article 10.4 (Most-Favoured-Nation Treatment), or Article 10.6 (Prohibition of Performance Requirements) to the extent of that measure.

6. For Korea, a **foreign person** means a foreign national or an enterprise organised under the laws of another country.

7. For greater certainty, Article 8.11 (Local Presence) and Article 8.4 (National Treatment) are separate disciplines and a measure that is only inconsistent with Article 8.11 (Local Presence) need not be reserved against Article 8.4 (National Treatment).

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[1] If none is specified, the measure is maintained at the central level of government.

[2] For greater certainty, for Korea, a change in the level of government at which a measure is administered or enforced does not, by itself, decrease the conformity of the measure with the obligations referred to in paragraph 1 of Article 8.8 (Schedules of Non-Conforming Measures) and paragraph 1 of Article 10.8 (Reservations and Non-Conforming Measures).