| | | | |
|---|---|---|---|
| 37. | Sector | : | Energy Industry - Gas Industry |
| | Level of Government | | Central |
| | Obligation Concerned | : | National Treatment (Articles 8.4 and 10.3)[5] |
| | Description | : | Trade in Services and Investment<br><br>Foreign persons, in the aggregate, may not own more than 30 per cent of the equity of Korea Gas Corporation (KOGAS). |
| | Measure | : | *Act on the Improvement of Managerial Structure and Privatization of Public Enterprises* (Law No. 17131, 31 March 2020) Article 19<br><br>*Financial Investment Services and Capital Markets Act* (Law No. 17219, 7 April 2020) Article 168<br><br>*Foreign Investment Promotion Act* (Law No. 16859, 31 December 2019) Articles 4 and 5<br><br>*Articles of Incorporation of the Korea Gas Corporation* (3 July 2019) Article 11 |

[5] Paragraph (a) of the 12th entry of List B does not apply to this entry.

**LIST B**

**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), the specific sectors, subsectors, or activities for which that Korea may maintain existing, or adopt new or more restrictive, measures that do not conform with 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) **Obligations Concerned** specifies the Articles referred to in paragraph 1 that, pursuant to paragraph 2 of Article 8.8 (Schedules of Non-Conforming Measures) and paragraph 2 of Article 10.8 (Reservations and Non-Conforming Measures), do not apply to the sectors, subsectors, or activities scheduled in the entry;

   (c) **Description** sets out the scope of the sectors, subsectors, or activities covered by the entry; and

   (d) **Existing Measures** identifies, for transparency purposes, existing measures that apply to the sectors, subsectors, or activities covered by the entry.

3. In accordance with paragraph 2 of Article 8.8 (Schedules of Non-Conforming Measures) and paragraph 2 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 sectors, subsectors, and activities identified in the Description element of that entry.

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

5. 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).