

ANNEX IV
SCHEDULE OF SPECIFIC COMMITMENTS ON
TEMPORARY MOVEMENT OF NATURAL PERSONS

KOREA

1. This Schedule sets out Korea's commitments with respect to the temporary entry of natural persons of a Party¹ into, or their temporary stay in, the territory of Korea in accordance with Article 9.5 (Schedules of Specific Commitments on Temporary Movement of Natural Persons).
2. Korea remains unbound in respect of the temporary entry of natural persons of a Party into, or their temporary stay in, the territory of Korea, except as set out in following commitments. For greater certainty, Korea reserves the right to adopt or maintain any measure in respect of requirement of requisite visa and the conditions attached to temporary entry and temporary stay under such a visa for each of the categories specified below.
3. Nothing in this Agreement, including provisions in Chapter 8 (Trade in Services), shall be construed to impose any obligation on Korea regarding its immigration measures, except for Chapter 1 (Initial Provisions and General Definitions), Chapter 9 (Temporary Movement of Natural Persons), Chapter 18 (Institutional Provisions), Chapter 19 (Dispute Settlement) to the extent permitted by Article 9.9 (Dispute Settlement), and Chapter 20 (Final Provisions).

Description of Category	Conditions and Limitations (including length of stay)
A. Business Visitors	
<u>Definition:</u> Natural persons who are: (i) 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; not engaged in supplying the services; not based in the territory of Korea and receiving no remuneration from a source located within Korea, (ii) seeking temporary entry for negotiating sale of goods, where such negotiations do not involve direct sales to the general public; not based in the territory of Korea and receiving no remuneration from a source located within Korea; or (iii) investors or employees of an investor, who meet the criteria of category B(i) or B(ii), seeking temporary entry to establish an investment in Korea; have no representative office, branch or subsidiary in Korea; not based in the territory of Korea and receiving no	Temporary entry and temporary stay of natural persons as defined in A is limited to a period of 90 days.

¹ For the purposes of this Schedule, the definition of the natural person of a Party is as stipulated in the Article XXVIII of GATS.

Description of Category	Conditions and Limitations (including length of stay)
remuneration from a source located within Korea.	
B. Intra-Corporate Transferees	
<u>Definition:</u> Natural persons who are employees of firms that supply services through subsidiaries, branches², or designated affiliates³ established in Korea and who have been in the employment 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: (i) Executives – natural persons within an organisation who primarily direct the management of the organisation, 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 organisation. (ii) Senior Managers – natural persons within an organisation who primarily direct the organisation or a department of the organisation, supervise and control the work of other supervisory, professional or managerial employees, have the authority to hire and fire or recommend hiring, firing or other personnel actions, and exercise discretionary authority over day-to-day operations. Senior managers do not include first-line supervisors, unless the employees supervised are professionals, nor do they include employees who primarily perform tasks necessary for the supply of the service. (iii) Specialists – natural persons within an organisation who possess knowledge at an advanced level of continued expertise and proprietary	Temporary entry and temporary stay of natural persons as defined in B is limited to a period not exceeding three years that may be extended if the above condition is still met by the applicants. The natural persons may be subject to the application of a numerical ceiling, numerical limitation and economic need tests.

² For the purposes of this Schedule, “branch” is defined as an operating division or a representative office of the same organisation, which has an employee holding an extensive right to represent a parent housed in the territory of another Party.

³ For the purposes of this Schedule, “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 per cent of the total equity of each of the two entities or have a responsibility for more than 50 per cent of the total investment amount of each of the two entities.

Description of Category	Conditions and Limitations (including length of stay)
knowledge on the services, research equipment, techniques, or management of the organisation.	
C. Contractual Service Suppliers (CSS) – Employees of Juridical Person	
<u>Definition:</u> 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.	Temporary entry and temporary stay of the natural persons as defined in C is limited to the duration of the contract, which is not exceeding one year. Temporary entry and temporary stay of these persons is limited to a one-year period that may be extended if extension is deemed to be necessary. 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, Engineering Mobility Forum (EMF) International Registered Professional Engineer and Asia Pacific Economic Cooperation (APEC) Engineers. The juridical person where the natural person is employed has to obtain a service 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. The natural persons are required to receive no remuneration from a juridical person located in Korea. The natural persons may be subject to the application of a numerical ceiling, numerical limitation and economic need tests. The natural persons seeking access must 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. A contract is required to be obtained in the following service-supplying activities or subsectors, without conferring entitlement to exercise the professional title of Korea. • Services related to the installation, management or repair of industrial

Description of Category	Conditions and Limitations (including length of stay)
	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 another Party • Consultancy services related to the technical knowledge or skill concerning the natural science applied to information technology, e-business, biotechnology, nanotechnology, digital electronics, and environmental industry • Consultancy services for foreign accounting standards and auditing, training of Certified Public Accountants, 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 • Architectural services, subject to collaboration with architects registered under the Korean law in the form of joint contracts • Management consulting services Professional Engineers in the following services: • Consultancy services related to the installation of computer hardware • Software research and development based implementation services • Data management services • Data system services • Specialty engineering design services

4. For transparency purposes:

- (a) Natural persons whose temporary entry and temporary stay is permitted shall observe Korea's laws and regulations including immigration and labour laws and regulations.
- (b) Korea's commitments regarding temporary movement of natural persons do not apply in the case of labour-management disputes.