

ANNEX III
SCHEDULE OF KOREA WITH RESPECT TO FINANCIAL SERVICES

附件三 韩国金融服务承诺表

Introductory Note for the Schedule of Korea

韩国承诺表说明

1. The Schedule of Korea to this Annex sets out:
- (a) headnotes that limit or clarify the commitments of Korea with respect to the obligations described in subparagraph (b)(i) through (v) and in subparagraph (c),

(b) in Section A, pursuant to Article 13.9 (Non-Conforming Measures), the existing measures of Korea that do not conform with some or all of the obligations imposed by:

(i) Article 13.2 (National Treatment);

(ii) Article 13.3 (Most-Favored-Nation Treatment);

(iii) Article 13.4 (Market Access for Financial Institutions);

(iv) Article 13.5 (Cross-Border Trade); or

(v) Article 13.8 (Senior Management and Boards of Directors), and

(c) in Section B, pursuant to Article13.9 (Non-conforming Measures), the specific sectors, subsectors, or activities for which Korea may maintain existing, or adopt new or more restrictive, measures that do not conform with the obligations imposed by Article 13.2, 13.3, 13.4, 13.5, or 13.8.

2. Each entry in Section A sets out the following elements:

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

(b) **Subsector** refers to the specific sector for which the entry is made;

(c) **Obligations Concerned** specifies the article(s) referred to in paragraph 1 (b) that, pursuant to Article 13.9.1(a), do not apply to the non-conforming aspects of the law, regulation, or other measure, as set out in paragraph 4;

(d) **Level of Government** indicates the level of government maintaining the scheduled measure(s);

(e) **Measures** identifies the laws, regulations, or other measures for which the entry is made. A measure cited in the **Measures** element:
1. 本附件中的韩国承诺表列明了：

(a) 总注释，用于限制或澄清韩国就(b)(i)至(v)项及(c)项所述义务所作的承诺；

(b) 在A节中，根据第13.9条（不符措施），韩国现行不符合以下部分或全部义务的措施：(i) 第13.2条（国民待遇）；(ii) 第13.3条（最惠国待遇）；(iii) 第13.4条（金融机构市场准入）；(iv) 第13.5条（跨境贸易）；或(v) 第13.8条（高级管理层和董事会），以及

(c) 在B部分中，根据第13.9条（不符措施），韩国可维持现有或采取新的、更具限制性的不符合第13.2条、13.3条、13.4条、13.5条或13.8条义务的措施的具体部门、分部门或活动。

2. A节中的每个条目均列明以下要素：

(a) 部门指作出承诺的总体行业；(b) 分部门指作出承诺的具体行业；(c) 相关义务列明第1(b)款中提及的条款，根据第13.9.1(a)条，这些条款不适用于第4款所述法律、法规或其他措施的不符方面；(d) 政府层级标明维持附表措施的政府级别；

(e) 措施列明作出承诺所依据的法律、法规或其他措施。在措施要素中引用的措施：
- ANNEX III-KOREA-1
- 附件III 韩国金融服务具体承诺表

- (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; and
- (f) **Description** provides a general, non-binding description of the measure for which the entry is made.

3. Each entry in Section B sets out the following elements:

- (a) **Sector** refers to the general sector for which the entry is made;
- (b) **Subsector** refers to the specific sector for which the entry is made;
- (c) **Obligations Concerned** specifies the article(s) referred to in paragraph 1(c) that, pursuant to Article 13.9.2, do not apply to the sectors, subsectors, or activities scheduled in the entry;
- (d) **Level of Government** indicates the level of government maintaining the listed measure(s); and
- (e) **Description** sets out the scope of the sectors, subsectors, or activities covered by the entry.

4. For entries in Section A, in accordance with Article 13.9.1(a), and subject to Article 13.9.1(c), 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, except to the extent that such non-conforming aspects are inconsistent with a Specific Commitment in Annex 13-B.

5. For entries in Section B, in accordance with Article 13.9.2, 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.

6. Where Korea maintains a measure that requires that a service supplier be a citizen, permanent resident, or resident of its territory as a condition to the supply of a service in its territory, a Schedule entry for that measure taken with respect to Article 13.2, 13.3, 13.4, or 13.5 shall operate as a Schedule entry with respect to Article 11.3 (National Treatment), 11.4 (Most-Favored-Nation Treatment), or 11.8 (Performance Requirements) to the extent of that measure.

7. Appendix III-A lists certain measures that the Parties consider to be not inconsistent with Article 13.2 or 13.4 or subject to Article 13.10.1.

8. An entry in Annex I or Annex II specifying that Article 12.2 (National Treatment) does not apply to the non-conforming aspects of a law, regulation, or other measure, shall not be

(i) 指本协议生效之日经修订、延续或更新的措施；及(ii) 包括根据该措施授权并通过且与之相符的任何从属措施；及

(f) 描述提供了对所做条目措施的一般性、非约束性说明。

3. B部分中的每个条目包含以下要素：

- (a) 部门指所做条目涉及的一般性行业；(b) 分部门指所做条目涉及的具体行业；
- (c) 相关义务列明第1(c)款中提及的条款，根据第13.9.2条，这些条款不适用于条目中所列部门、分部门或活动；(d) 政府层级标明维持所列措施的政府级别；(e) 描述阐明条目所涵盖部门、分部门或活动的范围。

4. 对于A部分中的条目，根据第13.9.1(a)条并受第13.9.1(c)条约束，条目相关义务要素中指定的本协议条款不适用于该条目措施要素中指出的法律、法规或其他措施的不符方面，除非此类不符方面与附件13-B中的具体承诺相抵触。

5. 对于B部分的条目，根据第13.9.2条，本协议在条目相关义务要素中指定的条款不适用于该条目描述要素中确定的部门、分部门和活动。

6. 若韩国维持一项措施，要求服务供应商为其领土内的公民、永久居民或居民作为在其领土内提供服务的条件，则该措施针对第13.2条、13.3条、13.4条或13.5条所作的附表条目，应视为针对第11.3条（国民待遇）、11.4条（最惠国待遇）或11.8条（业绩要求）的附表条目，以该措施的范围为限。

7. 附录III-A列出了缔约方认为与第13.2条或13.4条不一致或不适用第13.10.1条的某些措施。

8. 附件I或附件II中某项条目规定第12.2条（国民待遇）不适用于法律、法规或其他措施的与规定不符的方面，不应被

construed as limiting a Party’s obligation under Article 13.5.1 to accord national treatment with respect to the supply of services specified in Annex 13-A to cross-border financial service suppliers of the other Party.

解释为限制缔约方根据第13.5.1条承担的义务，即就附件13-A中规定的服务向另一缔约方的跨境金融服务供应商提供国民待遇。

APPENDIX III-A

CERTAIN MEASURES NOT INCONSISTENT WITH ARTICLE 13.4 OR SUBJECT TO 13.10.1

The following measures are not inconsistent with Article 13.4 (Market Access for Financial Institutions):

- (1) An insurance company constituted in Korea may engage only in activities permitted by the relevant laws. (Article 10 and 11 of the *Insurance Business Act* (Law No. 7971, August 29, 2006) and Article 15 and 16 of the *Enforcement Decree of the Insurance Business Act* (Presidential Decree No. 19493, May 30, 2006));
- (2) Korean insurance companies are required to extend loans to small- or medium-sized companies. (Article 5-9 of the *Regulation on Supervision of Insurance Business* (Financial Supervisory Committee Notification No. 2006-84, November 30, 2006));
- (3) Residents of Korea are not permitted to settle payment in KRW (Korean won) for cross-border financial services supplied to them by residents of foreign countries. (Articles 5-11 and 7-7 to 7-10 of the *Foreign Exchange Transaction Regulation* (Notification of the Ministry of Finance and Economy No. 2006-26, August 3, 2006));
- (4) Banks and mutual savings banks in Korea are required to extend loans to small- or medium-sized companies. (Article 2 of the *Bank of Korea's Regulations on Credit Extension* (Monetary Policy Committee, August 19, 1999); and Article 11 of the *Mutual Savings Bank Act* (Law No. 8143, December 30, 2006) and Article 8-2 of the *Enforcement Decree of the Mutual Savings Bank Act* (Presidential Decree No. 19464, May 3, 2006));
- (5) The overall net open position of foreign exchange banks, measured by the sum of the net short position or the sum of the net long positions, whichever is greater (short-hand method), is limited to 50 percent of the total equity capital at the end of the previous month; the overbought (long won) position of NDFs (Non-Deliverable Forwards) held by onshore banks may not exceed 110 percent of the position as registered on January 14, 2004. (Article 11-2 of the *Foreign Exchange Transaction Act* (Law No. 8050, October 4, 2006); and Article 2-9 of the *Foreign Exchange Transaction Regulation* (Notification of the Ministry of Finance and Economy No. 2006-26, August 3, 2006));
- (6) Securities savings and securities credit extensions are subject to restrictions on the maximum credit amount and use of proceeds. Securities savings is the sale by a securities company of marketable securities that the company keeps in its custody in exchange for cash deposits received from its customers. Securities companies are only permitted to extend credit for purpose related to the sale and purchase of

附录III-A 与第13.4条一致或受13.10.1条约束的某些措施

以下措施与第13.4条（金融机构市场准入）并无不一致：

- (1) 在韩国成立的保险公司仅可从事相关法律允许的活动。（《保险业务法》（第7971号法律，2006年8月29日）第10条和第11条，以及《保险业法施行令》（第19493号总统令，2006年5月30日）第15条和第16条）；(2) 韩国保险公司需向中小型企业提供贷款。（《保险业监督规定》（金融监督委员会第2006-84号通知，2006年11月30日）第5-9条）；(3) 韩国居民不得使用韩元结算由外国居民向其提供的跨境金融服务。（《外汇交易规定》（财政经济部公告第2006-26号，2006年8月3日）第5-11条及第7-7至7-10条）；(4) 韩国的银行和互助储蓄银行需向中小型企业提供贷款。

中型企业。（《韩国银行信贷扩展规定》第2条（货币政策委员会，1999年8月19日）；以及《互助储蓄银行法》第11条（第8143号法律，2006年12月30日）和《互助储蓄银行法施行令》第8-2条（第19464号总统令，2006年5月3日））；

- (5) 外汇银行的总体净敞口头寸，以总和衡量（《外汇交易法》第11-2条（法律第8050号，2006年10月4日）；以及《外汇交易规定》第2-9条（财政经济部公告第2006-26号，2006年8月3日））；

- (6) 证券储蓄和证券信贷扩展受到以下限制
最高信贷额度和资金用途。证券储蓄是指证券公司将其托管的有价证券出售，以换取客户存入的现金。证券公司仅被允许为与证券买卖相关的目的提供信贷。

securities. (Articles 49 and 50 of the *Securities and Exchange Act* (Law No. 7762, December 29, 2005); Articles 35-15 and 35-16 of the *Enforcement Decree of the Securities and Exchange Act* (Presidential Decree No. 19806, December 29, 2006));

- (7) The value of lending to an individual credit card holder may be capped. (Article 24 of the *Specialized Credit Financing Business Act* (Law No. 7929, April 28, 2006));
- (8) A bank, securities company or other financial institution constituted in Korea may only engage in activities permitted by the relevant laws. (Articles 27 and 28 of the *Banking Act* (Law No. 7428, March 31, 2005); and Article 51 of the *Securities and Exchange Act* (Law No. 7762, December 29, 2005) and Articles 36-2 and 36-3 of the *Enforcement Decree of Securities and Exchange Act* (Presidential Decree No. 19806, December 29, 2006));
- (9) A financial institution is prohibited from acquiring real estate for non-business purpose. (Article 38 of the *Banking Act* (Law No. 7428, March 31, 2005); Article 105 of the *Insurance Business Act* (Law No. 7971, August 29, 2006);
- (10) Non-resident of Korea may convert foreign currency into KRW (Korean won) only for actual use in Korea. (Articles 7-7 to 7-10 and Articles 7-36 to 7-39 of the *Foreign Exchange Transaction Regulations* (Notification of the Ministry of Finance and Economy No. 2006-26, August 3, 2006));
- (11) Korea may restrict deposit interest rates, loan interest rates, other interest rates, maturity of deposit and related fees. (Article 30 of the *Banking Act* (Law No. 7428, March 31, 2005); the *Regulation on Financial Institutions’ Loans and Deposit Rates* (Monetary Policy Committee, December 24, 2003); Article 8 and Article 15 of the *Lending Business Act* (Law No. 7523, May 31, 2005); and Article 5 and Article 9 of the *Enforcement Decree of Lending Business Act* (Presidential Decree No. 19019, August 31, 2005)).

The following measures fall within Article 13.10.1 (Exceptions) and that, therefore, Article 13.2 (National Treatment) does not prevent Korea from maintaining them:

- (1) The operating fund of a branch of a foreign insurance company will be considered as capital and the head office’s capital will not be taken into consideration for purposes of determining the amount of funds to be raised or loans to be extended by such local branch (Article 9-3 of the *Insurance Business Act* (Law No. 7971, August 29, 2006));
- (2) A branch in Korea of a foreign insurance company must maintain in the territory of Korea assets equal to the aggregate of the reserve for performance of liability and the reserve for emergency relating to the insurance contracts executed in

(《证券交易法》（第7762号法律）第49条和第50条 2005年12月29日）；《证券交易法施行令》（第19806号总统令，2006年12月29日）第35-15条和第35-16条）；

- (7) 对个人信用卡持有者的贷款金额可设定上限。（依据《专业信贷金融业务法》（第7929号法律，2006年4月28日）第24条）；
- (8) 在韩国设立的银行、证券公司或其他金融机构仅可从事相关法律许可的业务。（《银行法》（第7428号法律，2005年3月31日）第27条和第28条；《证券交易法》（第7762号法律，2005年12月29日）第51条及《证券交易法施行令》（第19806号总统令，2006年12月29日）第36-2条和第36-3条）；
- (9) 禁止金融机构出于非业务目的购置不动产。（《银行法（法律第7428号，2005年3月31日）》第38条；《保险业务法（法律第7971号，2006年8月29日）》第105条）；
- (10) 韩国非居民仅可在韩国境内实际使用时将外币兑换为韩元。（《外汇交易规定（财政经济部公告第2006-26号，2006年8月3日）》第7-7条至第7-10条及第7-36条至第7-39条）；
- (11) 韩国可对存款利率、贷款利率、其他利率、存款期限及相关费用实施限制。（《银行法（法律第7428号，2005年3月31日）》第30条；《金融机构贷款及存款利率规定（货币政策委员会，2003年12月24日）》；《贷款业务法（法律第7523号，2005年5月31日）》第8条及第15条；以及《贷款业务法施行令（第19019号总统令，2005年8月31日）》第5条及第9条）。

下列措施属于第13.10.1条（例外）范畴，因此第13.2条（国民待遇）不妨碍韩国维持这些措施：

- (1) 外国保险公司分支机构的运营资金将被视为资本，且总部资本不计入该当地分支机构筹集资金或发放贷款的额度考量（《保险业务法》（第7971号法律，2006年8月29日）第9-3条）；
- (2) 外国保险公司在韩国的分支机构必须在其境内维持韩国资产等于在韩国签订的保险合同相关的责任履行准备金和应急准备金的总和

Korea (Article 75 of the *Insurance Business Act* (Law No. 7971, August 29, 2006)).

（《保险业法》第75条（第7971号法律，2006年8月29日））。

Headnotes

1. Commitments in these subsectors under the Agreement are undertaken subject to the limitations and conditions set forth in these headnotes and in the Schedules below.
2. To clarify the commitment of Korea with respect to Article 13.4 (Market Access for Financial Institutions), juridical persons supplying financial services and constituted under the laws of Korea are subject to non-discriminatory limitations on juridical form.¹
3. The commitments of Korea under Articles 13.2 (National Treatment) and 13.4 (Market Access for Financial Institutions) are subject to the limitation that in order to establish or acquire a controlling interest in a financial institution in Korea, a foreign investor must own or control a financial institution that engages in supplying financial services within the same financial services subsector in its home country.
4. Korea limits its commitments under Article 13.9.1(c) (Non-Conforming Measures) with respect to Article 13.4 (Market Access for Financial Institutions) in the following manner: Article 13.9.1(c) shall apply only to non-conforming measures relating to 13.4(a) and not to those non-conforming measures relating to Article 13.4(b).

¹ For example, partnerships and sole proprietorship are generally not acceptable juridical forms for depository financial institutions in Korea. This headnote is not itself intended to affect, or otherwise limit, a choice by a financial institution of the other Party between branches or subsidiaries.

总注释

1. 根据本协议在这些分部门中所作的承诺，须遵守本总注释及下列附表中规定的限制和条件。
2. 为明确韩国根据第13.4条（金融机构市场准入）所作的承诺，依照韩国法律设立的提供金融服务的法人须受关于法人形式的非歧视性限制。¹
3. 韩国根据第13.2条（国民待遇）和第13.4条（金融机构市场准入）所作的承诺，须遵守以下限制：外国投资者要在韩国设立或收购金融机构的控股权，必须拥有或控制一家在其母国从事同一金融服务分部门业务的金融机构。
4. 韩国以如下方式限制其在第13.9.1(c)条（不符措施）下关于第13.4条（金融机构市场准入）的承诺：第13.9.1(c)条仅适用于与第13.4(a)条相关的不符措施，而不适用于与第13.4(b)条相关的不符措施。

¹ 例如，合伙企业及独资企业通常不被接受为韩国存款金融机构的法人形式。本总注释本身无意影响或限制另一缔约方金融机构在分支机构或子公司之间作出选择。

Section A

A节

Sector:	Financial Services	部门：金融服务 子部门：保险 相关义务：金融机构市场准入（第13.4条） 政府层级：中央
Sub-Sector:	Insurance	措施：保险业务法第91条（第7971号法律，2006年8月29日）； 保险业务法施行令第40条
Obligations Concerned:	Market Access for Financial Institutions (Article 13.4)	
Level of Government:	Central	
Measures:	Article 91 of the <i>Insurance Business Act</i> (Law No. 7971, August 29, 2006); Article 40 of the <i>Enforcement Decree of the Insurance Business Act</i> (Presidential Decree No. 19493, May 30, 2006)	
Description:	Only two employees of a commercial bank, mutual saving bank, or securities company may sell insurance products at any one time at a single location. For transparency purposes, Korea notes that it restricts the manner of sales of insurance products such as the number of windows in a single bank location devoted to the sale of insurance, and limitations on the percentage of insurance sold by a bank that may be underwritten by a single insurer.	描述： 法案（第19493号总统令，2006年5月30日） 商业银行、互助储蓄银行或证券公司每次在同一地点仅可有两名员工销售保险产品。 为保持透明度，韩国声明其对销售方式设限保险产品销售的限制，例如单一银行网点内专门用于保险销售的窗口数量，以及银行销售的保险中可由单一保险公司承保的比例限制。

Sector:	Financial Services	部门:	金融服务
Sub-Sector:	Insurance	子部门:	保险
Obligations Concerned:	Cross-Border Trades (Article 13.5)	相关义务:	跨境贸易 (第13.5条)
Level of Government:	Central	政府层级:	中央
Measures:	<i>Automobile Accident Compensation Assurance Act</i> (Law No. 7100, January 20, 2004) <i>Act on the Indemnification for Fire-Caused Loss and the Purchase of Insurance Policies</i> (Law No. 7186, March 11, 2004) <i>High-Pressure Gas Safety Control Act</i> (Law No. 7504, May 26, 2005) <i>Safety Control and Business Regulation of Liquefied Petroleum Gas Act</i> (Law No. 7428, March 31, 2005) <i>Urban Gas Business Act</i> (Law No. 7505, May 26, 2005) <i>Seafarers Act</i> (Law No. 8041, October 4, 2006) <i>Installation and Utilization of Sports Facilities Act</i> (Law No. 7913, March 24, 2006) <i>Excursion Ship and Ferry Business Act</i> (Law No. 7985, September 22, 2006) <i>Manufacture and Management of Elevators Act</i> (Law No. 7279, December 31, 2004) <i>Water-Related Leisure Activities Safety Act</i> (Law No. 8016, September 27, 2006) <i>Juvenile Activity Promotion Act</i> (Law No. 8014, September 27, 2006) <i>Compensation for Oil Pollution Damage Guarantee Act</i> (Law No. 7002, December 11, 2003) <i>Air Transport Business Promotion Act</i> (Law No. 6621, January 19, 2002)	措施:	汽车事故补偿保障法（第7100号法律，2004年1月20日） 火灾损失赔偿及保险单购买法（第7186号法律，2004年3月11日） 高压气体安全控制法（第7504号法律，2005年5月26日） 液化石油气安全控制及业务规制法（第7428号法律，2005年3月31日） 城市燃气事业法（第7505号法律，2005年5月26日） 船员法（第8041号法律，2006年10月4日） 体育设施安装与利用法（第7913号法律，2006年3月24日） 游览船与渡轮事业法（第7985号法律，2006年9月22日） 电梯制造与管理法（第7279号法律，2004年12月31日） 水上休闲活动安全法（第8016号法律，2006年9月27日） 青少年活动促进法（第8014号法律，2006年9月27日） 油污损害赔偿保证法（第7002号法律，2003年12月11日） 航空运输事业促进法（第6621号法律，2002年1月19日）

	<i>Road Traffic Act</i> (Law No. 7969, July 19, 2006)		道路交通法（第7969号法律，2006年7月19日）
	<i>Act on Contracts to Which the State is a Party</i> (Law No. 8050, October 4, 2006)		国家作为合同一方的合同法（法律第8050号，2006年10月4日）
	<i>Protection of Wild Fauna and Flora Act</i> (Law No. 8045, October 4, 2006)		野生动植物保护法（第8045号法律，2006年10月4日）
	<i>Trucking Transport Business Act</i> (Law No. 8138, December 30, 2006)		卡车运输业务法（第8138号法律，2006年12月30日）
	<i>Industrial Accident Compensation Insurance Act</i> (Law No. 7796, December 29, 2005)		工伤保险法（第7796号法律，2005年12月29日）
	<i>Construction Technology Management Act</i> (Law No. 7305, December 31, 2004)		建筑技术管理法（第7305号法律，2004年12月31日）
	<i>Nuclear Damage Compensation Act</i> (Law No. 7188, March 11, 2004)		核损害赔偿法（第7188号法律，2004年3月11日）
	<i>Goods Distribution Promotion Act</i> (Law No. 8014, September 27, 2006)		货物流通促进法（第8014号法律，2006年9月27日）
	<i>Social Welfare Services Act</i> (Law No. 7918, March 24, 2006)		社会福利服务法（第7918号法律，2006年3月24日）
	<i>Fishing Boats for Anglers Act</i> (Law No. 7642, July 29, 2005)		钓鱼船法（第7642号法律，2005年7月29日）
	<i>Electronic Finance Transaction Act</i> (Law No. 7929, April 28, 2006)		电子金融交易法（第7929号法律，2006年4月28日）
	<i>Digital Signature Act</i> (Law No. 7813, December 30, 2005)		数字签名法（第7813号法律，2005年12月30日）
	<i>Attorney-at-Law Act</i> (Law No. 7894, March 24, 2006)		律师法（第7894号法律，2006年3月24日）
	<i>Laboratory Safety Environment Act</i> (Law No. 7425, March 31, 2005)		实验室安全环境法（第7425号法律，2005年3月31日）
Description:	In determining whether a natural person resident in Korea or juridical persons established in Korea has satisfied a legal obligation to purchase “compulsory” insurance services not listed in Annex 13-A, any such service supplied in the territory of a foreign country to such person is not considered. However services supplied outside the territory of Korea may be considered in satisfaction of the legal obligation if the required	描述:	在判定韩国居民自然人或韩国设立的法人是否履行了购买附件13-A中未列出的“强制”保险服务的法律义务时，此类服务在外国领土向该等人提供的任何服务均不予考虑。 然而，在韩国领土以外提供的服务可被视为满足法律义务，如果所需

insurance cannot be purchased from an insurer established in Korea.

保险无法从韩国设立的保险公司购买。

Sector:	Financial Services	部门:	金融服务
Sub-Sector:	Banking and other financial services (excluding insurance)	子部门:	银行及其他金融服务（不包括保险）
Obligations Concerned:	National Treatment (Article 13.2)	相关义务:	国民待遇（第13.2条）
Level of Government:	Central	政府层级:	中央
Measures:	Articles 15 and 16-2 of the <i>Banking Act</i> (Law No. 7428, March 31, 2005) Article 5 and Annex of the <i>Enforcement Decree of the Banking Act</i> (Presidential Decree No. 19422, March 29, 2006) Articles 8 and 8-2 of the <i>Financial Holding Company Act</i> (Law No. 7529, March 31, 2005) Article 6-3 of the <i>Enforcement Decree of the Financial Holding Company Act</i> (Presidential Decree No. 19422, March 29, 2006)	措施:	银行法（法律第7428号，2005年3月31日）第15条和第16-2条（2005年） 银行法施行令第5条及附件（总统令第19422号，2006年3月29日） 《金融控股公司法》（第7529号法律，2005年3月31日）第8条和第8-2条 《金融控股公司法施行令》（总统令第19422号，2006年3月29日）第6-3条
Description:	1. A financial institution constituted under the laws of another country may own more than 10 percent of the shares of a commercial bank or bank holding company constituted under the laws of Korea only if that institution is an “internationally recognized financial institution.” ² 2. For purposes of transparency: a) the Financial Supervisory Commission applies additional criteria for approval that are not inconsistent with this Agreement to approval of ownership by an internationally recognized financial institution as described in paragraph 1. b) a natural person may not own more than 10 percent of the shares of a commercial bank or bank holding company constituted under the laws of Korea. c) a corporate entity other than a financial institution, the main business of which is not financial services, may not own more than 4 percent of the shares of a commercial bank or bank holding company constituted under the laws of Korea. The ownership percentage can be increased to 10 percent if	描述:	1. 依据其他国家法律设立的金融机构可持有依据本国法律设立的商业银行或银行控股公司10%以上的股份根据《商业银行法》或《银行控股公司法》成立商业银行或银行控股公司韩国法律仅在该机构为“国际认可的金融机构”时才适用。 ² 2. 出于透明度目的: a) 金融监督委员会会额外适用与本协议不相抵触的批准标准,以批准国际认可的金融机构的所有权第1段所述的认可金融机构。 b) 自然人不得拥有超过10%的商业银行或银行控股公司的股份依据韩国法律设立。 c) 非金融机构的法人实体,其主要业务非金融服务者,不得持有超过商业银行4%的股份或依据韩国法律成立的银行控股公司。所有权比例可提高至10%,前提是

² An “internationally recognized financial institution” includes any financial institution that has been rated by an international rating organization at a level acceptable to the relevant Korean regulator or a financial institution that has demonstrated by alternative means acceptable to the relevant Korean regulator that it has an equivalent status.

² “国际认可的金融机构”包括经国际评级机构评定为相关韩国监管机构认可级别的任何金融机构, 或通过相关韩国监管机构认可的其他方式证明其具有同等地位的金融机构。

the corporate entity waives its ability to exercise voting rights relating to the shares in excess of 4 percent.

该法人实体放弃对超过4%股份行使投票权的权利。

Sector:	Financial Services	部门:	金融服务
Sub-Sector:	Banking and other financial services (excluding insurance)	子部门:	银行及其他金融服务（不包括保险）
Obligations Concerned:	National Treatment (Article 13.2)	相关义务:	国民待遇（第13.2条）
Level of Government:	Central	政府层级:	中央
Measures:	Article 58 of the <i>Banking Act</i> (Law No. 7428, March 31, 2005) Paragraph 17-B of the <i>Guideline on Grant of Banking Business Approval</i> (July 23, 2004) Article 10 of the <i>Regulation on Supervision of Banking Business</i> (Financial Supervisory Committee Notification No. 2006-87, December 28, 2006)	措施:	银行法第58条（2005年3月31日第7428号法律） 银行业务批准授予指南第17-B段（2004年7月23日） 银行业务监管条例第10条（金融监督委员会公告第2006-87号，2006年12月28日）
Description:	Each branch location in Korea of a bank constituted under the laws of another country requires a separate license. A branch of a banking subsidiary, including one owned or controlled by investors of another country does not require such a license.	描述:	依据其他国家法律成立的银行在韩国设立的每家分支机构均需单独申请许可证。而由其他国家投资者拥有或控制的银行子公司分支机构则无需此类许可证。

Sector:	Financial Services	部门金融服务子部门：银行及其他金融服务（不包括保险）	相关义务：金融机构市场准入（第13.4条）
Sub-Sector:	Banking and other financial services (excluding insurance)	政府层级：中央	措施：《韩国证券期货交易所法》第4条、第7条及第15条
Obligations Concerned:	Market Access for Financial Institutions (Article 13.4)		
Level of Government:	Central		
Measures:	Articles 4, 7, and 15 of the <i>Korea Securities and Futures Exchange Act</i> (Law No. 7428, March 31, 2005)		法案（第7428号法律，2005年3月31日）
Description:	Only the Korea Exchange may operate a securities or futures market in Korea.	描述：	只有韩国交易所可以经营证券或期货韩国市场。

Sector:	Financial Services	部门:	金融服务
Sub-Sector:	Banking and other financial services (excluding insurance)	子部门:	银行及其他金融服务（不包括保险）
Obligations Concerned:	Market Access for Financial Institutions (Article 13.4)	相关义务:	金融机构市场准入（第13.4条）
Level of Government:	Central	政府层级:	中央
Measures:	Articles 173 to 178 and 194 of the <i>Securities and Exchange Act</i> (Law No. 7762, December 29, 2005)	措施:	《证券交易法》（法律第7762号，2005年12月29日）第173至178条及第194条
Description:	Only the Korea Securities Depository may serve as the depository for listed and unlisted securities issued in Korea or as the intermediary for transfer of those securities between accounts of securities companies in Korea.	描述:	只有韩国证券存管院可作为韩国发行的上市及非上市证券的存管机构，或作为韩国证券公司账户间这些证券转让的中介。

Sector:	Financial Services	部门金融服务子部门：银行及其他金融服务（不包括保险） 相关义务：金融机构市场
Sub-Sector:	Banking and other financial services (excluding insurance)	准入（第13.4条） 政府层级：中央 措施：《证券交易法》第173-3条和第194条（法律
Obligations Concerned:	Market Access for Financial Institutions (Article 13.4)	
Level of Government:	Central	
Measures:	Articles 173-3 and 194 of the <i>Securities and Exchange Act</i> (Law No. 7762, December 29, 2005)	第7762号， 2005年12月29日）
	Article 84-27 of the <i>Enforcement Decree of the Securities and Exchange Act</i> (Presidential Decree No. 19806, December 29, 2006)	《证券交易法施行令》第84-27条 （第19806号总统令， 2006年12月29日）
Description:	Only the Korea Securities Depository and the Korea Exchange may perform liquidation and settlement of securities and derivatives listed or traded on the Korea Exchange.	描述： 仅限韩国证券存管院及韩国交易所 可对在韩国交易所上市或交易的证券及衍生品进行清算与结算。

Sector:	Financial Services	部门:	金融服务
Sub-Sector:	Banking and other financial services (excluding insurance)	子部门:	银行及其他金融服务（不包括保险）
Obligations Concerned:	Cross Border Trade (Article 13.5)	相关义务:	跨境贸易（第13.5条）
Level of Government:	Central	政府层级:	中央
Measures:	Article 51 of the <i>Futures Trading Act</i> (Law No. 7617, July 29, 2005)	措施:	《期货交易法》第51条（第7617号法律，2005年7月29日）
Description:	A resident of Korea, including a natural person who is resident in Korea, a financial institution constituted under the laws of Korea and a branch of foreign financial institution, may enter into offshore futures, options, and certain forward contracts only through a futures company licensed in Korea.		
		描述:	韩国居民，包括居住在韩国的自然人、根据韩国法律设立的金融机构以及外国金融机构的分支机构，只能通过在韩国获得许可的期货公司进行离岸期货、期权及某些远期合约交易。

Sector:	Financial Services	部门:	金融服务
Sub-Sector:	Banking and other financial services (excluding insurance)	子部门:	银行及其他金融服务（不包括保险）
Obligations Concerned:	National Treatment (Article 13.2)	相关义务:	国民待遇（第13.2条）
Level of Government:	Central	政府层级:	中央
Measures:	Articles 62 and 63 of the <i>Banking Act</i> (Law No. 7428, March 31, 2005)	措施:	《银行法（法律第7428号，2005年3月31日）》第62条和第63条
	Articles 25 and 26 of the <i>Enforcement Decree of the Banking Act</i> (Presidential Decree No. 19422, March 29, 2006)		《银行法施行令（总统令第19422号，2006年3月29日）》第25条和第26条
	Article 28-2 of the <i>Securities and Exchange Act</i> (Law No. 7762, December 29, 2005)		《证券交易法（法律第7762号，2005年12月29日）》第28-2条
	Article 15-4 of the <i>Enforcement Decree of the Securities and Exchange Act</i> (Presidential Decree No. 19806, December 29, 2006)		《证券交易法施行令（第19806号总统令，2006年12月29日）》第15-4条
Description:	A branch in Korea of a bank or a securities company constituted under the laws of another country must bring and maintain operating funds within Korea, which shall be used for purposes of determining the amount of funds to be raised or loans to be extended by such local branch. For purposes of the <i>Banking Act</i> and the <i>Securities and Exchange Act</i>, such a branch is considered a separate legal entity from the bank or the securities company constituted under the laws of another country.	描述:	根据其他国家法律组成的银行或证券公司在韩国的分支机构必须在韩国境内引入并维持运营资金，该资金将用于确定此类当地分支机构需筹集资金或发放贷款的金额。 就《银行法》和《证券交易法》而言，此类分支机构被视为独立法律实体，不同于依据他国法律成立的银行或证券公司。

Sector:	Financial Services	部门:	金融服务
Sub-Sector:	Banking and other financial services (excluding insurance)	子部门:	银行及其他金融服务（不包括保险）
Obligations Concerned:	Market Access for Financial Institutions (Article 13.4)	相关义务:	金融机构市场准入（第13.4条）
Level of Government:	Central	政府层级:	中央
Measures:	Article 7 of the <i>Credit Unions Act</i> (Law No. 8145, December 30, 2006)	措施:	《信用合作社法》第7条（第8145号法律，2006年12月30日）
	Article 6 of the <i>Mutual Savings Bank Act</i> (Law No. 8143, December 30, 2006)		《互助储蓄银行法》第6条（第8143号法律，2006年12月30日）
	Article 5 of the <i>Specialized Credit Financing Business Act</i> (Law No. 7929, April 28, 2006)		《专业信贷金融业务法》第5条（第7929号法律，2006年4月28日）
	Article 3 of the <i>Merchant Bank Act</i> (Law No. 7428, March 31, 2005)		《商人银行法》第3条（第7428号法律，2005年3月31日）
	Article 8 of the <i>Enforcement Decree of the Merchant Bank Act</i> (Presidential Decree No. 19422, March 29, 2006)		《商人银行法施行令》第8条（总统令第19422号，2006年3月29日）
	Article 5 of the <i>Use and Protection of Credit Information Act</i> (Law No. 7883, March 24, 2006)		《信用信息使用与保护法》第5条（法律第7883号，2006年3月24日）
Description:	Article 9 of the <i>Foreign Exchange Transaction Act</i> (Law No. 8050, October 4, 2006)		《外汇交易法》第9条（法律第8050号，2006年10月4日）
	Articles 25, 154, and 155 of the <i>Indirect Investment Asset Management Business Act</i> (Law No. 7618, July 29, 2005)		《间接投资资产管理业法》第25条、第154条及第155条（法律第7618号，2005年7月29日）
	The following types of business may not be conducted by a branch of a financial institution constituted under the laws of another country: 1. credit unions; 2. mutual savings banks; 3. specialized capital finance companies; 4. merchant banks; 5. foreign and won currency capital brokerage firms; 6. credit information companies; 7. general fund administration firms; 8. indirect investment vehicle appraisal companies; and 9. bond appraisal companies.	描述:	依据其他国家法律设立的金融机构分支机构不得开展以下类型的业务： 1. 信用合作社；2. 互助储蓄银行；3. 专业资本金融公司；4. 商人银行；5. 外汇及韩元资本经纪公司；6. 信用信息公司；7. 普通基金管理公司；8. 间接投资工具评估公司；及9. 债券评估公司。

Sector:	Financial Services	部门金融服务子部门: 银行及其他金融服务（不包括保险）相关义务: 金融机构市场
Sub-Sector:	Banking and other financial services (excluding insurance)	准入（第13.4条）政府层级: 中央措施: 《电子金融交易法》第30条（法律编号。
Obligations Concerned:	Market Access for Financial Institutions (Article 13.4)	
Level of Government:	Central	
Measures:	Article 30 of the <i>Electronic Finance Transaction Act</i> (Law No. 7929, April 28, 2006)	7929, 2006年4月28日)
Description:	A non-financial institution that seeks to offer certain electronic financial services in Korea may establish only as a subsidiary.	描述: 一家寻求提供特定电子服务的非金融机构韩国的金融服务只能以子公司的形式设立。

Sector:	Financial Services	部门:	金融服务
Sub-Sector:	Banking and other financial services (excluding insurance)	子部门:	银行及其他金融服务（不包括保险）
Obligations Concerned:	National Treatment (Article 13.2)	相关义务:	国民待遇（第13.2条）
Level of Government:	Central	政府层级:	中央
Measures:	The <i>Korea Development Bank Act</i> (Law No. 7620, July 29, 2005) The <i>Industrial Bank of Korea Act</i> (Law No. 7717, December 14, 2005) The <i>Korea Housing Finance Corporation Act</i> (Law No. 7882, March 24, 2006) The <i>Agricultural Cooperative Federation Act</i> (Law No. 7638, July 29, 2005) The <i>National Federation of Fisheries Cooperatives Act</i> (Law No. 7611, July 21, 2005)	措施:	韩国开发银行法（法律第7620号，2005年7月29日） 韩国产业银行法（法律第7717号，2005年12月14日） 韩国住房金融公社法（法律第7882号，2006年3月24日） 农业协同组合法（法律第7638号，2005年7月29日） 《全国渔业合作社联盟法》（第7611号法律，2005年7月21日）
Description:	Korea may grant (a) to one or more of the following financial institutions (collectively, Government-Sponsored Institutions or GSIs): - The Korea Development Bank; - Industrial Bank of Korea; - Korea Housing Finance Corporation; - the National Agricultural Cooperative Federation; and - the National Federation of Fisheries Cooperatives (b) special treatment, including but not limited to the following: - Guarantees of loans to or bonds issued by the GSIs; - Permission to issue more bonds per capital than similarly-situated non-GSIs; - Reimbursement of losses incurred by GSIs; - Exemption from certain taxes on capital, surplus, profit, or assets.	描述:	韩国可授予 (a) 以下一家或多家金融机构（统称为政府资助机构或GSIs）： - 韩国开发银行； - 韩国产业银行； - 韩国住房金融公社； - 全国农业协同组合联合会；及 - 全国渔业合作社联盟 (b) 特殊待遇，包括但不限于以下内容： - 对政府资助机构的贷款或发行债券提供担保； - 允许按资本发行比类似非政府资助机构更多的债券； - 补偿政府资助机构产生的损失； - 对资本、盈余、利润或资产的某些税收豁免。

Sector:	Financial Services	部门:	金融服务
Sub-Sector:	Banking and other financial services (excluding insurance)	子部门:	银行及其他金融服务（不包括保险）
Obligations Concerned:	Senior Management and Boards of Directors (Article 13.8)	相关义务:	高级管理层和董事会（第13.8条）
Level of Government:	Central	政府层级:	中央
Measures:	Article 16 of the <i>Korea Housing Finance Corporation Act</i> (Law No. 7882, March 24, 2006)	措施:	韩国住房金融公社法（法律第7882号，2006年3月24日）第16条
	Article 49 of the <i>Agricultural Cooperative Federation Act</i> (Law No. 7638, July 29, 2005)		农业协同组合法（法律第7638号，2005年7月29日）第49条
	Article 51 of the <i>National Federation of Fisheries Cooperatives Act</i> (Law No. 7611, July 21, 2005)		全国渔业协同组合法（法律第7611号，2005年7月21日）第51条
Description:	Chief and deputy executive officers and all members of the Board of Directors of the Korea Housing Finance Corporation, the National Agricultural Cooperative Federation and the National Federation of Fisheries Cooperatives must be Korean nationals.	描述:	韩国住房金融公社、全国农业协同组合联合会和全国渔业协同组合联合会的首席执行官和副执行官以及所有董事会成员必须是韩国国民。

Sector:	Financial Services	部门:	金融服务
Sub-Sector:	Banking and other financial services (excluding insurance)	子部门:	银行及其他金融服务（不包括保险）
Obligations Concerned:	National Treatment (Article 13.2)	相关义务:	国民待遇（第13.2条）
Level of Government:	Central	政府层级:	中央
Measures:	Article 75 of the <i>Housing Act</i> (Law No. 8050, October 4, 2006) Paragraph 2 of Article 5 of the <i>Rules on Provision of Housing</i> (Ordinance of the Ministry of Construction and Transportation No. 531, August 18, 2006)	措施:	《住房法》第75条（2006年10月4日第8050号法律） 《住房供应规则》第5条第2款（建设交通部第531号条例, 2006年8月18日）
Description:	Korea may limit the number of financial institutions designated to hold housing accounts, such as the National Housing Subscription Deposit Accounts.	描述:	韩国可限制持有住房账户（如国民住房认购存款账户）的金融机构数量。

Sector:	Financial Services	部门:	金融服务
Sub-Sector:	Banking and other financial services (excluding insurance)	子部门:	银行及其他金融服务（不包括保险）
Obligations Concerned:	Market Access for Financial Institutions (Article 13.4)	相关义务:	金融机构市场准入（第13.4条）
Level of Government:	Central	政府层级:	中央
Measures:	Article 9 of the <i>Foreign Exchange Transaction Act</i> (Law No. 8050, October 4, 2006)	措施:	《外汇交易法》第9条（法律第8050号，2006年10月4日）
Description:	Interbank Brokerage of KRW (Korean won) spot transactions is limited to the two existing brokerage companies in the business.	描述:	韩元（KRW）现货交易的银行间经纪业务仅限于该业务中现有的两家经纪公司。

Section B		B部分	
Sector:	Financial Services	部门:	金融服务
Sub-Sector:	Insurance	子部门:	保险
Obligations Concerned:	Cross-Border Trades (Article 13.5)	相关义务:	跨境贸易（第13.5条）
Level of Government:	Central	政府层级:	中央
Measures:	None	措施:	None
Description:	Korea reserves the right not to consider any "compulsory" third-party insurance service supplied in the territory of a foreign country to a natural person in Korea or juridical person established therein, in determining whether such natural or juridical person has satisfied a legal obligation to purchase such "compulsory" third party insurance service not listed in Annex 13-A. However services supplied outside the territory of Korea may be considered in satisfaction of the legal obligation if the required insurance cannot be purchased from an insurer established in Korea.		
			然而，如果在韩国领土内无法从韩国设立的保险公司购买所需保险，则在韩国领土外提供的服务可被视为满足法律义务。

Sector:	Financial Services	部门:	金融服务
Sub-Sector:	Banking and other financial services (excluding insurance)	子部门:	银行及其他金融服务（不包括保险）
Obligations Concerned:	National Treatment (Article 13.2)	相关义务:	国民待遇（第13.2条）
Level of Government:	Central	政府层级:	中央
Measures:	None	措施:	None
Description:	In the context of privatizing government-owned or government-controlled entities that supply financial services, Korea reserves the right to adopt or maintain any measure relating to the continued guarantee, or time-limited additional guarantee, of the obligations and liabilities of these entities.		
		描述:	在私有化提供金融服务的政府所有或政府控制的实体背景下, 韩国保留采取或维持任何与这些实体的债务和负债持续担保或有时限额外担保相关措施的权利。

Sector:	Financial Services	部门:	金融服务
Sub-Sector:	Banking and other financial services (excluding insurance)	子部门:	银行及其他金融服务（不包括保险）
Obligations Concerned:	National Treatment (Article 13.2)	相关义务:	国民待遇（第13.2条）
Level of Government:	Central	政府层级:	中央
Measures:	<i>Korea Securities and Futures Exchange Act</i> (Law No. 7428, March 31, 2005)	措施:	韩国证券期货交易法（法律第7428号，2005年3月31日）
	<i>Securities and Exchange Act</i> (Law No. 7762, December 29, 2005)		证券交易法（法律第7762号，2005年12月29日）
Description:	Korea reserves the right to limit ownership by foreign investors of the Korea Exchange and the Korea Securities Depository. In the event of public offering of shares of the Korea Exchange or the Korea Securities Depository, Korea reserves the right to limit shareholding by foreign persons in the relevant institution, provided that Korea shall ensure that (1) any shareholding interests held by foreign persons at the time of the public offering shall be preserved, and (2) following the public offering, the Exchange or Depository shall assure access for financial institutions of the United States.	描述:	韩国保留限制外国投资者对韩国交易所及韩国证券存管院所有权的权利。若韩国交易所或韩国证券存管院进行股份公开发行，韩国保留限制外国人在相关机构持股的权利，但韩国应确保：(1) 公开发行时外国人持有的任何股份权益将得到保留；(2) 公开发行后，交易所或存管院应确保美国金融机构的准入权。

ANNEX III
SCHEDULE OF THE UNITED STATES WITH RESPECT TO FINANCIAL SERVICES

Introductory Note for the Schedule of the United States

1. The Schedule of the United States to this Annex sets out:
- (a) headnotes that limit or clarify the commitments of the United States with respect to the obligations described in subparagraph (b)(i) through (v) and in subparagraph (c),
 - (b) in Section A, pursuant to Article 13.9 (Non-Conforming Measures), the existing measures of the United States that do not conform with some or all of the obligations imposed by:
 - (i) Article 13.2 (National Treatment);
 - (ii) Article 13.3 (Most-Favored-Nation Treatment);
 - (iii) Article 13.4 (Market Access for Financial Institutions);
 - (iv) Article 13.5 (Cross-Border Trade); or
 - (v) Article 13.8 (Senior Management and Boards of Directors), and
 - (c) in Section B, pursuant to Article 13.9 (Non-Conforming Measures), the specific sectors, subsectors, or activities for which the United States may maintain existing, or adopt new or more restrictive, measures that do not conform with the obligations imposed by Article 13.2, 13.3, 13.4, 13.5, or 13.8.
2. Each entry in Section A sets out the following elements:
- (a) **Sector** refers to the general sector for which the entry is made;
 - (b) **Subsector** refers to the specific sector for which the entry is made;
 - (c) **Obligations Concerned** specifies the article(s) referred to in paragraph 1(b) that, pursuant to Article 13.9.1(a), do not apply to the non-conforming aspects of the law, regulation, or other measure, as set out in paragraph 4;
 - (d) **Level of Government** indicates the level of government maintaining the scheduled measure(s);
 - (e) **Measures** identifies the laws, regulations, or other measures for which the entry is made. A measure cited in the **Measures** element:

附件三 美国金融服务承诺表

美国承诺表说明

1. 本附件中美国的附表列明了：
- (a) 总注释，用于限制或澄清美国对(b)(i)至(v)项及(c)项所述义务的承诺；(b) 在A节中，根据第13.9条（不符措施），美国现行不符合以下部分或全部义务的措
施：(i) 第13.2条（国民待遇）；(ii) 第13.3条（最惠国待遇）；(iii) 第13.4条
（金融机构市场准入）；(iv) 第13.5条（跨境贸易）；或(v) 第13.8条（高级管理
层和董事会），以及
 - (c) 在B部分中，根据第13.9条（不符措施），美国可维持现有或采取新的、更严
格的、不符合第13.2、13.3、13.4、13.5或13.8条义务措施的具体部门、分部门
或活动。
2. A节中的每个条目均包含以下要素：
- (a) 部门指作出承诺的广义行业；(b) 分部门指作出承诺的具体行业；(c) 相关义务
列明第1(b)款中提及的条款，根据第13.9.1(a)条，这些条款不适用于第4款所述法
律、法规或其他措施的保留不符方面；(d) 政府层级标明保留附表措施的政府级别；
(e) 措施列明作出承诺所依据的法律、法规或其他措施。在措施要素中引用的措施：

- (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; and
- (f) **Description** provides a general, non-binding description of the measure for which the entry is made.

3. Each entry in Section B sets out the following elements:

- (a) **Sector** refers to the general sector for which the entry is made;
- (b) **Subsector** refers to the specific sector for which the entry is made;
- (c) **Obligations Concerned** specifies the article(s) referred to in paragraph 1(c) that, pursuant to Article 13.9.2, do not apply to the sectors, subsectors, or activities scheduled in the entry;
- (d) **Level of Government** indicates the level of government maintaining the listed measure(s); and
- (e) **Description** sets out the scope of the sectors, subsectors, or activities covered by the entry.

4. For entries in Section A, in accordance with Article 13.9.1(a), and subject to Article 13.9.1(c), 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, except to the extent that such non-conforming aspects are inconsistent with a Specific Commitment in Annex 13-B.

5. For entries in Section B, in accordance with Article 13.9.2, 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.

6. Where the United States maintains a measure that requires that a service supplier be a citizen, permanent resident, or resident of its territory as a condition to the supply of a service in its territory, a Schedule entry for that measure taken with respect to Article 13.2, 13.3, 13.4, or 13.5 shall operate as a Schedule entry with respect to Article 11.3 (National Treatment), 11.4 (Most-Favored-Nation Treatment), or 11.8 (Performance Requirements) to the extent of that measure.

7. An entry in Annex I or Annex II specifying that Article 12.2 (National Treatment) does not apply to the non-conforming aspects of a law, regulation, or other measure, shall not be construed as limiting a Party’s obligation under Article 13.5.1 to accord national treatment with respect to the supply of services specified in Annex 13-A to cross-border financial service suppliers of the other Party.

- (i) 指本协议生效之日经修订、延续或更新的措施，且(ii) 包括根据该措施授权并通过的、与该措施相一致的任何从属措施；以及
- (f) 描述部分提供了对所做条目措施的一般性、非约束性说明。

3. B部分中的每个条目包含以下要素：

- (a) 部门指所做条目涉及的一般性行业；(b) 分部门指所做条目涉及的具体行业；
- (c) 相关义务列明了根据第13.9.2条不适用于该条目所列部门、分部门或活动的第1(c)款所述条款；(d) 政府层级标明维持所列措施的政府级别；(e) 描述部分阐明该条目所涵盖的部门、分部门或活动范围。

4. 对于A部分的条目，根据第13.9.1(a)条并受第13.9.1(c)条约束，条目中"相关义务"要素指定的本协议条款不适用于该条目"措施"要素所指法律、法规或其他措施的不符方面，除非此类不符方面与附件13-B中的具体承诺相抵触。

5. 对于B部分的条目，根据第13.9.2条，协议中在相关义务要素中指定的条款不适用于该条目描述要素中确定的部门、分部门和活动。

6. 若美国维持一项措施，要求服务供应商为其领土内的公民、永久居民或居民作为在其领土内提供服务的条件，则针对第13.2条、13.3条、13.4条或13.5条采取的该措施的附表条目，应作为针对第11.3条（国民待遇）、11.4条（最惠国待遇）或11.8条（业绩要求）的附表条目，在该措施的范围适用。

7. 附件I或附件II中某项条目规定第12.2条（国民待遇）不适用于法律、法规或其他措施的与协议不符方面，不得解释为限制缔约方根据第13.5.1条对另一缔约方跨境金融服务供应商提供附件13-A中规定的服务给予国民待遇的义务。

Headnotes

1. Commitments in these subsectors under the Agreement are undertaken subject to the limitations and conditions set forth in these headnotes and in the Schedule below.
2. National treatment commitments in these subsectors are subject to the following limitations:
- (a) National treatment with respect to banking will be provided based upon the foreign bank’s “home state” in the United States, as that term is defined under the *International Banking Act*, where that Act is applicable. A domestic bank subsidiary of a foreign firm will have its own “home state,” and national treatment will be provided based upon the subsidiary’s home state, as determined under applicable law.¹
 - (b) National treatment with respect to insurance financial institutions will be provided according to a non-U.S. insurance financial institution’s state of domicile, where applicable, in the United States. State of domicile is defined by individual states, and is generally the state in which an insurer either is incorporated, is organized, or maintains its principal office in the United States.
3. To clarify the U.S. commitment with respect to Article 13.4 (Market Access for Financial Institutions), juridical persons supplying banking or other financial services (excluding insurance) and constituted under the laws of the United States are subject to non-discriminatory limitations on juridical form.²
4. The United States limits its commitments under Article 13.9.1(c) (Non-Conforming Measures) with respect to Article 13.4 (Market Access for Financial Institutions) in the following manner: with respect to banking and other financial services (excluding insurance), Article 13.9.1(c) shall apply only to non-conforming measures relating to 13.4(a) and not to those non-conforming measures relating to Article 13.4(b).

¹ Foreign banking organizations are generally subject to geographic and other limitations in the United States on a national treatment basis. Where such limitations do not conform to national treatment, they have been listed as non-conforming measures. For purposes of illustration, under this approach, the following situation does not accord national treatment and would therefore be listed as a non-conforming measure: a foreign bank from a particular home state is accorded less favorable treatment than that accorded to a domestic bank from that state with respect to expansion by branching.

² For example, partnerships and sole proprietorships are generally not acceptable juridical forms for depository financial institutions in the United States. This headnote is not itself intended to affect, or otherwise limit, a choice by a financial institution of the other Party between branches or subsidiaries.

总注释

1. 本协议下这些分部门的承诺是在这些总注释和下列附表中规定的限制和条件下作出的。
2. 这些分部门的国民待遇承诺受以下限制约束：
- (a) 银行业国民待遇将根据外国银行在美国的“母州”提供，该术语依据《国际银行法》定义（当该法适用时）。外国公司的国内银行子公司将拥有其自身的“母州”，国民待遇将根据子公司依据适用法律确定的母州提供。¹
 - (b) 保险金融机构的国民待遇将根据非美国保险金融机构在美国的注册州（如适用）提供。注册州由各州自行定义，通常是保险公司在美国注册成立、组建或维持其主要办事处的州。
3. 为阐明美国关于第13.4条（金融机构市场准入）的承诺，根据美国法律设立的提供银行业或其他金融服务（保险除外）的法人需遵守关于法人形式的非歧视性限制。²
4. 美国以如下方式限制其在第13.9.1(c)条（不符措施）项下关于第13.4条（金融机构市场准入）的承诺：关于银行及其他金融服务（不包括保险），第13.9.1(c)条仅适用于与第13.4(a)条相关的不符措施，而不适用于与第13.4(b)条相关的不符措施。

¹ 外国银行组织在美国通常需接受基于国民待遇基础的地理和其他限制。当此类限制不符合国民待遇时，它们已被列为不符措施。举例说明，根据此方法，以下情况未给予国民待遇，因此将被列为不符措施：来自特定母州的外国银行在通过分支机构扩张方面获得的待遇低于该州国内银行所获得的待遇。

² 例如，合伙企业和独资企业通常不被接受为美国存款金融机构的法人形式。本首注本身无意影响或限制另一缔约方金融机构在分支机构与子公司之间的选择。

Section A		A节	
Sector:	Financial Services	部门:	金融服务
Sub-Sector:	Banking and Other Financial Services (Excluding Insurance)	子部门:	银行及其他金融服务（不包括保险）
Obligations Concerned:	Senior Management and Boards of Directors (Article 13.8)	相关义务:	高级管理层和董事会（第13.8条）
Level of Government:	Central	政府层级:	中央
Measures:	12 U.S.C. 72	措施:	《美国法典》第12编第72条
Description:	All directors of a national bank must be U.S. citizens, except that the Comptroller of the Currency may waive the citizenship requirement for not more than a minority of the total number of directors.	描述:	国民银行的所有董事必须是美国公民，但货币监理官可豁免不超过董事总数少数比例的公民身份要求。

Sector:	Financial Services	部门:	金融服务
Sub-Sector:	Banking and Other Financial Services (Excluding Insurance)	子部门:	银行及其他金融服务（不包括保险）
Obligations Concerned:	National Treatment (Article 13.2)	相关义务:	国民待遇（第13.2条）
	Market Access for Financial Institutions (Article 13.4)		金融机构市场准入（第13.4条）
Level of Government:	Central	政府层级:	中央
Measures:	12 U.S.C. 619	措施:	美国法典第12卷第619节
Description:	Foreign ownership of Edge corporations is limited to foreign banks and U.S. subsidiaries of foreign banks, while domestic non-bank firms may own such corporations.	描述:	边缘公司的外资所有权仅限于外国银行和外资银行的美国子公司，而国内非银行公司可拥有此类公司。

Sector:	Financial Services	部门:	金融服务
Sub-Sector:	Banking and Other Financial Services (Excluding Insurance)	子部门:	银行及其他金融服务（不包括保险）
Obligations Concerned:	National Treatment (Article 13.2)	相关义务:	国民待遇（第13.2条）
	Market Access for Financial Institutions (Article 13.4)		金融机构市场准入（第13.4条）
Level of Government:	Central	政府层级:	中央
Measures:	12 U.S.C. 1463 et seq. and 12 U.S.C. 1751 et seq.	措施:	《美国法典》第12编第1463条及以下和《美国法典》第12编第1751条及以下
Description:	Federal and state laws do not permit a credit union, savings bank, or savings association (both of the latter two entities may be also called thrift institutions) in the United States to be established through branches of corporations organized under a foreign country’s law.	描述:	联邦和州法律不允许在美国通过根据外国法律组建的公司分支机构来设立信用合作社、储蓄银行或储蓄协会（后两类实体也可称为储蓄机构）。

Sector:	Financial Services	部门:	金融服务
Sub-Sector:	Banking and Other Financial Services (Excluding Insurance)	子部门:	银行及其他金融服务（不包括保险）
Obligations Concerned:	National Treatment (Article 13.2)	相关义务:	国民待遇（第13.2条）
	Market Access for Financial Institutions (Article 13.4)		金融机构市场准入（第13.4条）
Level of Government:	Central	政府层级:	中央
Measures:	12 U.S.C. 3104(d)	措施:	美国法典第12卷第3104(d)节
Description:	In order to accept or maintain domestic retail deposits of less than \$100,000, a foreign bank must establish an insured banking subsidiary. This requirement does not apply to a foreign bank branch that was engaged in insured deposit-taking activities on December 19, 1991.	描述:	为接受或维持金额低于10万美元的国内零售存款，外国银行必须成立一家受保银行子公司。此项要求不适用于1991年12月19日已从事受保存款业务的外国银行分行。

Sector:	Financial Services	部门:	金融服务
Sub-Sector:	Banking and Other Financial Services (Excluding Insurance)	子部门:	银行及其他金融服务（不包括保险）
Obligations Concerned:	National Treatment (Article 13.2)	相关义务:	国民待遇（第13.2条）
Level of Government:	Central	政府层级:	中央
Measures:	15 U.S.C. 80b-2, 80b-3	措施:	《美国法典》第15编第80b-2条、第80b-3条
Description:	Foreign banks are required to register as investment advisers under the <i>Investment Advisers Act of 1940</i> to engage in securities advisory and investment management services in the United States, while domestic banks ³ (or a separately identifiable department or division of the bank) do not have to register unless they advise registered investment companies. The registration requirement involves record maintenance, inspections, submission of reports and payment of a fee.	描述:	外国银行需根据《1940年投资顾问法》注册为投资顾问，才能在美国从事证券咨询和投资管理服务，而国内银行 ³ （或银行的独立可识别部门或分支机构）除非为注册投资公司提供建议，否则无需注册。注册要求包括记录维护、检查、提交报告及支付费用。

³ For greater clarity, “domestic banks” includes U.S. bank subsidiaries of foreign banks.

³ 为更明确起见，“国内银行”包括外国银行的美国银行子公司。

Sector:	Financial Services	部门:	金融服务
Sub-Sector:	Banking and Other Financial Services (Excluding Insurance)	子部门:	银行及其他金融服务（不包括保险）
Obligations Concerned:	National Treatment (Article 13.2)	相关义务:	国民待遇（第13.2条）
Level of Government:	Central	政府层级:	中央
Measures:	12 U.S.C. 221, 302, 321	措施:	《美国法典》第12卷第221、302、321条
Description:	Foreign banks cannot be members of the Federal Reserve System, and thus may not vote for directors of a Federal Reserve Bank. Foreign-owned bank subsidiaries are not subject to this measure.	描述:	外国银行不能成为联邦储备系统的成员，因此可能无法投票选举联邦储备银行董事。外资银行子公司不受此措施约束。

Sector:	Financial Services
Sub-Sector:	Banking and Other Financial Services (Excluding Insurance)
Obligations Concerned:	Market Access for Financial Institutions (Article 13.4)
Level of Government:	Central
Measures:	12 U.S.C. 36(g); 12 U.S.C. 1828(d)(4); 12 U.S.C. 1831u(a)(4)
Description:	The United States undertakes no commitment with respect to Article 13.4(b) in relation to the expansion, via the establishment of a branch or the acquisition of one or more branches of a bank without acquisition of the entire bank, by a foreign bank into another state from its “home state,” as that term is defined under applicable law. Except as provided elsewhere in this schedule, such expansion shall be accorded on a national treatment basis in accordance with headnote 2(a).

部门:	金融服务
子部门:	银行及其他金融服务（不包括保险）
相关义务:	金融机构市场准入（第13.4条）
政府层级:	中央
措施:	《美国法典》第12编第36(g)条；《美国法典》第12编第1828(d)(4)条；《美国法典》第12编第1831u(a)(4)条
描述:	美国不就第13.4(b)条作出任何承诺，该条款涉及外国银行从其“母州”（根据适用法律定义）通过设立分支机构或收购一家银行的一个或多个分支机构（而非收购整个银行）向另一州扩张。除本附表其他条款另有规定外，此类扩张应根据首注2(a)以国民待遇基础予以给予。

Sector:	Financial Services	部门:	金融服务
Sub-Sector:	Banking and Other Financial Services (Excluding Insurance)	子部门:	银行及其他金融服务（不包括保险）
Obligations Concerned:	Market Access for Financial Institutions (Article 13.4)	相关义务:	金融机构市场准入（第13.4条）
Level of Government:	Central	政府层级:	中央
Measures:	12 U.S.C. 1831u	措施:	美国法典第12卷第1831u节
Description:	Interstate expansion by a foreign bank through the establishment of branches by merger with a bank located outside the “home state,” as that term is defined under applicable law, of a foreign bank shall be accorded on a national treatment basis in accordance with headnote 2(a), except as provided elsewhere in this schedule.		
		描述:	外国银行通过与其母州（根据适用法律定义的术语）以外的银行合并设立分支机构进行跨州扩张时，应按照首注2(a)以国民待遇基础予以对待，除非本附表中另有规定。

Sector:	Financial Services	部门:	金融服务
Sub-Sector:	Banking and Other Financial Services (Excluding Insurance)	子部门:	银行及其他金融服务（不包括保险）
Obligations Concerned:	National Treatment (Article 13.2)	相关义务:	国民待遇（第13.2条）
	Market Access for Financial Institutions (Article 13.4)		金融机构市场准入（第13.4条）
Level of Government:	Central	政府层级:	中央
Measures:	12 U.S.C. 3102(a)(1); 12 U.S.C. 3103(a); 12 U.S.C. 3102(d)	措施:	《美国法典》第12编第3102(a)(1)条；《美国法典》第12编第3103(a)条；《美国法典》第12编第3102(d)条
Description:	Establishment of a federal branch or agency by a foreign bank is not available in the following states that may prohibit establishment of a branch or agency by a foreign bank: • Branches and agencies may be prohibited in Alabama, Kansas, Maryland, North Dakota, and Wyoming. • Branches, but not agencies, may be prohibited in Delaware, Florida, Georgia, Idaho, Louisiana, Mississippi, Missouri, Oklahoma, Texas, and West Virginia. Certain restrictions on fiduciary powers apply to federal agencies. Note: The cited federal measures provide that certain state law restrictions shall apply to the establishment of federal branches or agencies.	描述:	外国银行设立联邦分支机构或代理机构在以下可能禁止外国银行设立分支机构或代理机构的州不可行: • 分支机构及代理机构可能在阿拉巴马州、堪萨斯州、马里兰州、北达科他州和怀俄明州被禁止。 • 分支机构（但非代理机构）可能在特拉华州、佛罗里达州、佐治亚州、爱达荷州、路易斯安那州、密西西比州、密苏里州、俄克拉荷马州、德克萨斯州和西弗吉尼亚州被禁止。联邦机构在受托权力方面适用某些限制。 注：所引用的联邦措施规定，某些州法律限制应适用于联邦分支机构或代理机构的设立。

Sector:	Financial Services	部门:	金融服务
Sub-Sector:	Banking and Other Financial Services (Excluding Insurance)	子部门:	银行及其他金融服务（不包括保险）
Obligations Concerned:	Most-Favored-Nation Treatment (Article 13.3)	相关义务:	最惠国待遇（第13.3条）
	Market Access for Financial Institutions (Article 13.4)		金融机构市场准入（第13.4条）
Level of Government:	Central	政府层级:	中央
Measures:	15 U.S.C. 77jjj(a)(1)	措施:	美国法典第15卷第77jjj(a)(1)节
Description:	The authority to act as a sole trustee of an indenture for a bond offering in the United States is subject to a reciprocity test.	描述:	在美国担任债券发行契约的唯一受托人的资格需通过互惠性测试。

Sector:	Financial Services
Sub-Sector:	Banking and Other Financial Services (Excluding Insurance)
Obligations Concerned:	Most-Favored-Nation Treatment (Article 13.3) Market Access for Financial Institutions (Article 13.4)
Level of Government:	Central
Measures:	22 U.S.C. 5341-5342
Description:	Designation as a primary dealer in U.S. government debt securities is conditioned on reciprocity. ⁴

⁴ A foreign-owned firm from any country that accords to United States companies the same competitive opportunities in the underwriting and distribution of government debt instruments as the country accords to a domestic company will be entitled to be designated as a primary dealer, assuming the firm meets applicable business requirements established by the Federal Reserve. If such country has entered into a Free Trade Agreement with the United States and the country has not taken a non-conforming measure to national treatment for its government debt market, that fact shall be a positive factor in the consideration of such firm’s request for designation.

部门:	金融服务
子部门:	银行及其他金融服务（不包括保险）
相关义务:	最惠国待遇（第13.3条） 金融机构市场准入（第13.4条）
政府层级:	中央
措施:	美国法典第22卷第5341-5342节
描述:	美国国债一级交易商的指定以互惠为条件。 ⁴

⁴ 任何国家的**外资公司**，若该国在**政府债务工具**的**承销**和**分销**方面给予**美国公司**与**国内公司**同等的**竞争机会**，则该外资公司在满足**美联储**制定的适用**业务要求**后，将有权被**指定**为**一级交易商**。若该国已与美国签订**自由贸易协定**，且未对其**政府债务市场**采取**国民待遇**方面的**不符措施**，则该事实将成为考虑该公司**指定**申请的积极因素。

Sector:	Financial Services	部门:	金融服务
Sub-Sector:	Banking and Other Financial Services (Excluding Insurance)	子部门:	银行及其他金融服务（不包括保险）
Obligations Concerned:	Most-Favored-Nation Treatment (Article 13.3)	相关义务:	最惠国待遇（第13.3条）
Level of Government:	Central	政府层级:	中央
Measures:	15 U.S.C. 78o(c)	措施:	15 U.S.C. 78o(c)
Description:	A broker-dealer registered under U.S. law that has its principal place of business in Canada may maintain its required reserves in a bank in Canada subject to the supervision of Canada.		
		描述:	根据美国法律注册且主要营业地位于加拿大的经纪交易商，可在加拿大受加拿大监管的银行中维持其所需准备金。

Sector:	Financial Services	部门:	金融服务
Sub-Sector:	Banking and Other Financial Services (Excluding Insurance)	子部门:	银行及其他金融服务（不包括保险）
Obligations Concerned:	National Treatment (Article 13.2)	相关义务:	国民待遇（第13.2条）
Level of Government:	Central	政府层级:	中央
Measures:	12 U.S.C. 1421 et seq. (Federal Home Loan Banks); 12 U.S.C. 1451 et seq. (Federal Home Loan Mortgage Corporation); 12 U.S.C. 1717 et seq. (Federal National Mortgage Association); 12 U.S.C. 2011 et seq. (Farm Credit Banks); 12 U.S.C. 2279aa-1 et seq. (Federal Agricultural Mortgage Corporation); 20 U.S.C. 1087-2 et seq. (Student Loan Marketing Association)	措施:	《美国法典》第12编第1421节及以下（联邦住房贷款银行）；《美国法典》第12编第1451节及以下（联邦住房贷款抵押公司）；《美国法典》第12编第1717节及以下（联邦国民抵押贷款协会）；《美国法典》第12编第2011节及以下（农业信贷银行）；《美国法典》第12编第2279aa-1节及以下（联邦农业抵押公司）；《美国法典》第20编第1087-2节及以下（学生贷款营销协会）
Description:	The United States may grant advantages, including but not limited to the following, to one or more of the Government-Sponsored Enterprises (GSEs) listed above: - Capital, reserves and income of the GSE are exempt from certain taxation. - Securities issued by the GSE are exempt from registration and periodic reporting requirements under federal securities laws. - The U.S. Treasury may, in its discretion, purchase obligations issued by the GSE.	描述:	美国可向上述一家或多家政府赞助企业（GSEs）授予优势，包括但不限于以下方面： - 政府赞助企业的资本、储备和收入免征某些税收。 - 政府支持企业发行的证券可豁免联邦证券法规定的注册和定期报告要求。 - 美国财政部可自行决定购买由政府支持企业发行的债务。

Sector:	Financial Services	部门:	金融服务
Sub-Sector:	Banking and Other Financial Services (Excluding Insurance)	子部门:	银行及其他金融服务（不包括保险）
Obligations Concerned:	National Treatment (Article 13.2)	相关义务：国民待遇（第13.2条）	
	Most-Favored-Nation Treatment (Article 13.3)	最惠国待遇（第13.3条）	
	Market Access for Financial Institutions (Article 13.4)	金融机构市场准入（第13.4条）	
	Senior Management and Boards of Directors (Article 13.8)	高级管理层和董事会（第13.8条）	
Level of Government:	Regional	政府层级:	区域
Measures:	All existing non-conforming measures of all states, the District of Columbia, and Puerto Rico.	措施:	所有州、哥伦比亚特区和波多黎各的所有现行不符措施。

Sector:	Financial Services
Sub-Sector:	Insurance
Obligations Concerned:	National Treatment (Article 13.2)
	Cross-Border Trade (Article 13.5)
Level of Government:	Central
Measures:	31 U.S.C. § 9304
Description:	Branches of foreign insurance companies are not permitted to provide surety bonds for U.S. Government contracts.

部门:	金融服务
子部门:	保险
相关义务：国民待遇（第13.2条）	
跨境贸易（第13.5条）	
政府层级:	中央
措施:	《美国法典》第31编第9304节
描述:	外国保险公司分支机构不得为美国政府合同提供担保债券。

Sector:	Financial Services	部门:	金融服务
Sub-Sector:	Insurance	子部门:	保险
Obligations Concerned:	National Treatment (Article 13.2)	相关义务: 国民待遇 (第13.2条)	
	Cross-Border Trade (Article 13.5)	跨境贸易 (第13.5条)	
Level of Government:	Central	政府层级:	中央
Measures:	46 C.F.R. § 249.9	措施:	《联邦法规》第46编第249.9节
Description:	When more than 50 per cent of the value of a maritime vessel whose hull was built under federally guaranteed mortgage funds is insured by a non-U.S. insurer, the insured must demonstrate that the risk was substantially first offered in the U.S. market.		
		描述:	当一艘船体由联邦担保抵押贷款资金建造的海运船舶, 其价值超过50%由非美国保险公司承保时, 投保人必须证明该风险已在美国市场实质性地首次提供。

Sector:	Financial Services	部门:	金融服务
Sub-Sector:	Insurance	子部门:	保险
Obligations Concerned:	National Treatment (Article 13.2)	相关义务: 国民待遇 (第13.2条)	
	Most-Favored-Nation Treatment (Article 13.3)	最惠国待遇 (第13.3条)	
	Cross-Border Trade (Article 13.5)	跨境贸易 (第13.5条)	
	Senior Management and Boards of Directors (Article 13.8)	高级管理层和董事会 (第13.8条)	
Level of Government:	Regional	政府层级:	区域
Measures:	All existing non-conforming measures of all states, the District of Columbia, and Puerto Rico.	措施:	所有州、哥伦比亚特区和波多黎各的所有现行不符措施。

Section B		B部分	
Sector:	Financial Services	部门:	金融服务
Sub-Sector:	Insurance	子部门:	保险
Obligations Concerned:	Market Access for Financial Institutions (Article 13.4)	相关义务：金融机构市场准入（第13.4条）	
Level of Government:	All	政府层级: 所有	
Measures:		措施:	
Description:	The United States reserves the right to adopt or maintain any measure that is not inconsistent with the United States’ obligations under Article XVI of the GATS.	描述:	美国保留采取或维持任何与《服务贸易总协定》第十六条下美国债务不相抵触的措施的权利。