

Section A

Chile

Specific commitments and limitations on market access

Chile reserves the right to adopt or maintain any measure with respect to Article FS.7 (Cross-border trade in financial services), except for the following subsectors and financial services defined in accordance with the relevant Chilean legislation and subject to the terms, limitations and conditions specified below.

It is understood that a Party's commitments on cross-border investment advisory services shall not, in and of themselves, be construed to require the Party to permit the public offering of securities (as defined under its relevant law) in the territory of the Party by cross-border suppliers of the other Party who supply or seek to supply such investment advisory services. A Party may subject the cross-border suppliers' services to regulatory and registration requirements, including the requirement to provide the same category of services in the country of origin and to be supervised in their country of origin.

Sector	Subsector
Insurance and insurance-related services	Sale of insurance for international maritime transport, international commercial aviation and space launching and freight (including satellites) and goods in international transit (includes goods transported). Does not include national transport 'cabotage'.
	Brokers of insurance for international maritime transport, international commercial aviation and space launching and freight (including satellites) and goods in international transit (includes the goods being transported, the vehicle transporting the goods and any civil responsibility deriving therefrom). Does not include national transport 'cabotage'.
	reinsurance and retrocession; reinsurance brokerage; and consultancy, actuarial and risk assessment services.
Banking and other financial services (excluding insurance)	Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services
	Advisory and other auxiliary financial services, excluding intermediation and credit reference and analysis, relating to banking and other financial services,

Section B

Chile

Specific commitments and limitations on market access

Chile reserves the right to adopt or maintain any measure with respect to Article XX.6 (Market Access), except for the following subsectors and financial services defined in accordance with the relevant Chilean legislation and subject to the terms, limitations and conditions specified below:

<ol style="list-style-type: none"> 1. The Chilean financial services sector is partially compartmentalised, that is to say the institutions, domestic and foreign, authorised to operate as banks may not participate directly in the insurance and securities business and vice versa. 2. Chile reserves the right to adopt measures to regulate financial conglomerates, including the entities forming part of it 	
Sector or subsector	Limitations on Market Access
All Financial Services	<ol style="list-style-type: none"> 1. Chile may restrict or prescribe on a non-discriminatory basis a specific type of legal entity, including corporations, foreign branches, representative offices or any other form of commercial presence, that must be adopted by entities operating in all financial services subsectors. 2. Chile may restrict or prescribe on a non-discriminatory basis a specific type of corporation

Classification of sector or subsector	Subsector	Limitations on Market Access
All Insurance and Insurance- Related Services		<ol style="list-style-type: none"> 1. In Chile, the insurance business is divided into two groups: the first group comprises companies that insure goods or property (patrimony) against the risk of loss or damage, while the second comprises those that cover personal risks or guarantee, within or at the end of a certain term, a capital sum, a paid-up policy or an income for the insured or his/her beneficiaries. The same insurance company may not be constituted in such a way as to cover both categories of risk. 2. Credit insurance companies must be constituted as legal entities with the sole purpose of covering this type of risk, i.e. loss of or damage to the patrimony of the insured as a result of the non-payment of a money debt or loan, being also permitted to cover guarantee and fidelity risks. 3. Insurance corporations can be legally constituted only in accordance with the provisions of the law on corporations. Branches of foreign companies that may operate in the insurance Chilean sector should be established in Chile as a foreign agency authorised for such purposes.

	4. Insurance may be taken out directly or through registered insurance brokers who, to engage in that activity, must be enrolled in the registry	
A) Direct insurance:	Sale of direct life insurance (does not include insurance related to the social security system) (CPC 81211).	Insurance services can be provided only by insurance companies constituted in Chile as corporations or as branches of foreign corporations with the sole purpose of developing this line of business.
	Sale of direct general insurance CPC (8129, except for CPC 81299) excluding social security health institutions (Instituciones de Salud Previsional, ISAPRES) i.e. legal persons set up for the purpose of providing health benefits to individuals who opt to become members and are financed via mandatory contributions of taxable income or a higher amount, as the case may be. It also excludes the National Health Fund (Fondo Nacional de Salud, FONASA), a public agency financed by the government and mandatory contributions of taxable income, which is responsible for paying health benefits for individuals that are not members of an ISAPRE. Does not include the sale of insurance for international maritime transport, international commercial aviation and goods in international transit.	Insurance services can be provided only by insurance companies constituted in Chile as corporations or as branches of foreign corporations with the sole purpose of developing this line of business, either direct life insurance or direct general insurance. In the case of general credit insurance (CP 81296), the enterprise must be established as insurance corporations established in Chile with the sole purpose of covering this type of risk.
	Sale of insurance for international maritime transport, international commercial aviation and space launching and freight (including satellites) and goods in international transit (includes goods transported). Does not include national transport ‘cabotage’).	Sale of insurance for international maritime transport, international commercial aviation and space launching and freight (including satellites) and goods in international transit (includes goods transported) may be offered by insurance corporations constituted in Chile which have the sole purpose of developing the business of direct general insurance.
B) Reinsurance and retrocession	Reinsurance and retrocession (includes reinsurance brokers)	Reinsurance are provided by reinsurance corporations established in Chile and authorised by the CMF. Insurance corporations may also provide reinsurance services as a complement to their insurance business if their articles of association so

		<p>allow.</p> <p>Reinsurance and retrocession services may also be provided by foreign reinsurers and foreign reinsurance brokers enrolled in the Register maintained by the CMF.</p>
C) Insurance intermediation	Insurance brokers (excludes insurance for international maritime transport, international commercial aviation and space launching and freight (including satellites) and goods in international transit.	Only legal persons legally constituted in Chile for this specific purpose may provide insurance broker service.
	Brokers of insurance for international maritime transport, international commercial aviation and space launching and freight (including satellites) and goods in international transit (includes the goods being transported, the vehicle transporting the goods and any civil responsibility deriving therefrom). Does not include national transport 'cabotage'.	Brokers of insurance for international maritime transport, international commercial aviation and space launching and freight (including satellites) and goods in international transit, must be enrolled in the Register and fulfil the requirements established by the CMF. Only legal persons legally constituted in Chile for this specific purpose may provide this service.
D) Services Auxiliary to Insurance such as consultancy, actuarial, risk assessment and claim settlement services	Claim settlement services	Claim settlement services may be offered directly by insurance companies established in Chile or by legal persons constituted in Chile.
	Auxiliary insurance services (includes only consultancy, actuarial services and risk assessment).	Auxiliary insurance services may only be provided by legal persons constituted in Chile.
	Administration of voluntary pension savings plans (ahorro previsional voluntario) through life insurance	Unbound with respect to Article XX.4 (Market Access paragraph 1 (b)). The voluntary pension savings plans may only be offered by life insurance companies established in Chile in accordance with what is set out above. Those plans and associated policies must have prior authorisation from the CMF.

Sector	Subsector	Limitations on Market Access
Banking Services	<p>Foreign banking institutions must be banking companies (<i>sociedades bancarias</i>) legally constituted in their country of origin and must contribute the capital required by Chilean law.</p> <p>Foreign banking institutions may only operate:</p> <ul style="list-style-type: none"> i. through shareholdings in Chilean banks constituted as corporations in Chile, ii. by becoming constituted as a corporation in Chile, or iii. as branches of foreign corporations constituted in Chile as a foreign corporation agency (<i>agencia de sociedad anónima extranjera</i>), in which case the legal personality in the country of origin is recognized. For the purposes of foreign bank branch operations in Chile, the capital effectively invested in Chile is considered, and not that of the main office. The increases of capital or reserves that do not come from capitalization of other reserves, will have the same treatment as the initial capital and reserves. In the transactions between a branch and its main office abroad, both will be considered as independent entities. <p>No national or foreign, natural or legal, person may acquire directly or through third parties shares in a bank which, alone or added to the shares such a person already possesses, represent more than 10 percent of the bank's capital without having first obtained the authorisation of the CMF.</p> <p>In addition, the partners or shareholders of a financial institution may not transfer a percentage of rights or shares in their company in excess of 10 per cent without having obtained authorisation from the CMF.</p> <p>Banking institutions must be established as corporations (<i>sociedades anónimas</i>) or as branches, under Chilean law, in conformity with the General Banking Law (DFL N°3) and with <i>Sociedades Anónimas Law (Ley N°18.046)</i>, related to the establishment of a foreign corporation agency. The capital and the reserves that foreign banks assign to their branches, must be effectively transferred and converted into domestic currency in conformity with any of the systems authorized by Law or by the Banco Central de Chile. The increases of capital or reserves that do not come from capitalization of other reserves, will have the same treatment as the initial capital and reserves. In the transactions between a branch and its main office abroad, both will be considered as independent entities. No foreign bank will be able to invoke rights derived from its nationality regarding transactions that its branch may carry out in Chile.</p> <p>The supply of financial services that complement core banking services may be provided directly by those institutions, prior authorisation, or through incorporated subsidiaries, which CMF shall determine.</p>	
(A) Acceptance of deposits and other repayable funds from the public	Acceptance of deposits (only current bank accounts (<i>cuentas corrientes bancarias</i>), sight deposits, time deposits savings accounts, financial instruments with	Only banking companies established in Chile in accordance with the above provisions

	<p>repurchase agreements, and warranty deposits or surety bonds)</p> <p>Purchase of publicly-offered securities (only purchase of bonds, purchase of letters of credit, subscription and placement as agents of shares, bonds and letters of credit (underwriting)</p> <p>Securities custody</p>	
(B) Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction	<p>Credit granting (includes only ordinary loans, consumer credit, loans in letters of credit, mortgage loans, mortgage loans in letters of credit, purchase of financial instruments with resale agreements, credit for issue of bank surety bonds or other types of financing, issue and negotiation of letters of credit for imports and exports, issue and confirmation of stand-by letters of credit).</p>	<p>Only banking companies established in Chile in accordance with the above provisions</p>
	Factoring	<p>Unbound with respect to Article FS.5 (Market Access) paragraph 1 (b).</p> <p>Factoring services are regarded as complementary banking services. As a complementary banking services the CMF is empowered to authorise the operation of the financial factoring services which these institutions may offer. CMF may require more stringent non-discriminatory requirements.</p>
	Securitisation	<p>Securitisation services are regarded as complementary banking services.</p>
Financial leasing	<p>Financial leasing (81120) (these companies may offer leasing contracts for goods acquired at the client's request, i.e. they cannot acquire goods in order to stock them and offer them for leasing).</p>	<p>Financial leasing services are considered as complementary banking services and can be provided by bank institutions or through incorporated subsidiaries expressly authorised for those purposes.–CMF may require more stringent non-discriminatory requirements.</p>
All payments and money transmission services,	<p>Issue and operation of credit and debit cards (81133) (includes only credit cards issued in Chile).</p>	<p>Only banking companies established in Chile in accordance with the above provisions</p>

including credit, charge and debits cards, travellers cheques and bankers draft	Travellers' cheques. Transfer of funds (bank drafts). Discounting or acquisition of bills of exchange and promissory notes.	
Guarantees and commitments	Endorsement and guarantee of third-party liabilities in Chilean currency and foreign currency	Only banking companies established in Chile in accordance with the above provisions
Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise	Intermediation of publicly offered securities (81321)	Intermediation of publicly offered securities is considered as complementary banking services and can be provided by bank institutions through subsidiaries incorporated in Chile, security agents or stockbrokers, expressly authorised.
	Advisory and other auxiliary financial services (CPC 8133) (includes only services indicated in the banking subsector in this section).	None
Other financial services	Voluntary pension savings plans (<i>Planes de Ahorro Previsional Voluntario</i>).	Unbound with respect to Article FS.5 Market Access paragraph 1 (b). Voluntary savings plans may only be offered by banks established in Chile under one of the arrangements previously mentioned.
	Trust management operations (administración de fideicomisos)	Only banking companies established in Chile in accordance with the above provisions
	Provision and transfer of financial information and financial data processing and related software by suppliers of other financial services	None
	Exchange market operations carried out according to the regulation issued or to be issued by the Central Bank of Chile	Only banks, juridical persons, stockbrokers and securities agents, all of which must be established in Chile as legal entities, can operate in the formal exchange market. Juridical persons, stockbrokers and securities agents require prior authorisation from the Central Bank of Chile (Banco Central de Chile) to operate in the formal exchange market.

Sector	Subsector	Limitations on market access
Other financial services / Securities Services	<ol style="list-style-type: none"> 1. Publicly offered securities may be traded by legal persons whose sole purpose is securities brokerage, either as members of a stock exchange (stockbrokers) or outside the stock exchange (securities agents), and they must be registered with the CMF. However, only stockbrokers may trade shares or their derivatives (subscription options) on the stock exchange. Non-share securities may be traded by stockbrokers or securities agents registered. 2. Publicly offered securities risk rating services are provided by rating agencies constituted for the sole purpose of rating publicly offered securities, and they must be enrolled in the Registro de Entidades Clasificadoras de Riesgo (Register of Risk Rating Agencies) maintained by the CMF. They are inspected and controlled by the CMF. On the other hand, the inspection of rating agencies with respect to the rating of securities issued by banks and financial companies is the responsibility of the CMF. 3. Only banks, juridical persons, stockbrokers and securities agents, all of which must be established in Chile as legal entities, can operate in the formal exchange market. Juridical persons, stockbrokers and securities agents require prior authorisation from the Central Bank of Chile (Banco Central de Chile) to operate in the formal exchange market. 4. In order to trade on the stock exchange, intermediaries (stockbrokers) must be constituted as legal persons in Chile. They must acquire a share in their respective stock exchange and be accepted as members of this exchange. 	
	<p>Intermediation of publicly offered securities, except shares (CP 81321)</p> <p>Subscription and placement as agents (underwriting).</p>	<p>Brokerage activities must be supplied through a legal person constituted in Chile. CMF may require more stringent non-discriminatory requirements.</p>
	<p>Intermediation of publicly offered shares of corporations (CP 81321) (includes subscription and placement as agents, underwriting).</p>	<p>In order to trade on the stock exchange, intermediaries (stockbrokers) must be constituted as a legal person in Chile. They must acquire a share in the respective stock exchange and be accepted as members of this exchange. CMF may require more stringent non-discriminatory requirements.</p>
	<p>Operations in stock exchange derivatives authorised by the CMF (includes only dollar and interest rate futures, and options on shares. Shares must fulfil the requirements established by the respective clearing house, Cámara de Compensación).</p>	<p>In order to trade on the stock exchange, intermediaries (stockbrokers) must be constituted as legal persons in Chile. They must acquire a share in their respective stock exchange and be accepted as members of this exchange. CMF may require more stringent non-discriminatory requirements.</p>

<p>Trading in metals on the stock exchange (includes only gold and silver).</p>	<p>Trading in gold and silver may be carried out by stockbrokers on their own account and for third parties in the stock exchange in accordance with stock exchange regulations. In order to trade on the stock exchange, intermediaries (stockbrokers) must be constituted as legal persons in Chile. They must acquire a share in their respective stock exchange and be accepted as members of this exchange. CMF may require more stringent non-discriminatory requirements.</p>
<p>Securities risk rating (relates solely to rating or giving an opinion on publicly offered securities).</p>	<p>They must be established in Chile as a partnership (<i>sociedad de personas</i>). One of the specific requirements to be fulfilled is that not less than 60 per cent of the company's capital must be held by the principal partners (natural or legal persons in this line of business holding a minimum of 5 per cent of the membership rights in the rating agency).</p>
<p>Securities custody undertaken by securities intermediaries (CPC 81319) (does not include the services offered by suppliers who combine custody, securities clearance and settlement (securities depositories, <i>depósitos de valores</i>)).</p>	<p>For securities custody, intermediaries (stockbrokers and agents) must be constituted in Chile as a legal person.</p> <p>Securities custody may be undertaken by securities intermediaries (stockbrokers and securities agents) as an activity complementary to their sole purpose which is securities brokerage. It may also be undertaken by entities that provide depository and custodial services for securities which should be constituted as special corporations with the sole purpose of receiving in deposit publicly offered securities from entities authorised by law and to facilitate operations for the transfer of such securities (centralised securities depositories, <i>depósitos centralizados de valores</i>).</p>
<p>Custody undertaken by entities for the deposit and custody of securities.</p>	<p>Security deposit and custody entities must be constituted in Chile as corporations set up for that sole purpose.</p>
<p>Financial portfolio management supplied by security intermediaries (This does not under any circumstances include a General Management Fund (Administradora General de Fondos) management of mutual funds, foreign capital investment</p>	<p>Financial portfolio management services supplied by securities intermediaries established as legal persons in Chile. CMF may require more stringent non-discriminatory requirements.</p>

funds, investment funds and pension funds.	
Financial advisory services supplied by securities intermediaries (CPC 81332) (financial advice refers only to the securities services subsectors included in this section).	<p>Financial advisory services supplied by securities intermediaries constituted as legal persons in Chile. CMF may require more stringent non-discriminatory requirements.</p> <p>Financial advisory services, which involve giving financial advice on financing alternatives, investment appraisal, investment possibilities and debt rescheduling strategies may be undertaken by securities intermediaries (stockbrokers and securities agents) as an activity complementary to their sole purpose.</p>
<p>Management of funds of third parties performed by:</p> <p>(In no circumstances does this include management of pension funds and voluntary pension savings plans (<i>planes de ahorro previsional voluntario</i>))</p> <p>i) Mutual fundsmanagement companies. ii) Investment fundsmanagement Companies iii) Foreign capital investment funds management companies.</p>	The fund management service may be carried out by corporations set up for that sole purpose, constituted in Chile, with authorisation from the CMF. Foreign capital investment funds may also be managed by investment funds management companies.
Management of voluntary pension savings plans (<i>Planes de ahorro previsional voluntario</i>)	Unbound with respect to Article XX.4 (Market Access paragraph 1 (b)). The voluntary savings plans may only be offered by mutual funds and investment funds managers established in Chile in accordance with the terms set out above. Those plans must have prior authorisation from the CMF.
Service of clearing houses for derivatives (contracts for futures and options on securities).	Clearing houses for futures contracts and options on securities must be constituted in Chile as corporations forthat sole purpose and with an authorisation from the CMF. They may only be constituted by stock exchanges and their stockbrokers.
General deposit warehouses (warrants) (Corresponds to merchandise warehousing services accompanied by the issue of a deposit certificate and a chattel mortgage	Only legal persons duly constituted in Chile who have the supply of warrant services as their sole purpose.

	receipt (<i>vale de prenda</i>).	
	Securities issue and registration services (CPC 81332) (does not include deposit and custody of securities services)	None
	Cattle and agricultural commodities exchanges. Service of clearing houses of futures and options on cattle and agricultural commodities.	Entities must be established as special purpose corporations (<i>sociedades anónimas especiales</i>) under Chilean law.
	Cattle and agricultural commodities brokerage.	The activity of cattle and agricultural commodities broker must be performed by legal entities established under Chilean law.
	Stock exchanges.	Stock exchanges must be established as special purpose corporations (<i>sociedades anónimas especiales</i>) under Chilean law.
Other Financial Services	Management of mortgage loans as established in Decreto con Fuerza de Ley N° 251, Ley de Seguros, Title V.	Mortgage loans management agencies must be established as corporations (<i>sociedades anónimas</i>).
Other services related	Representative offices of foreign banks as business agents (in no case may these representations carry out acts that are proper to the banking business).	<p>The CMF may authorise foreign banks to maintain representative offices acting as business agents for their main offices and shall exercise upon them the same inspection authority granted upon the CMF by the General Banking Law with respect to banking enterprises.</p> <p>The authorisation given by the CMF to representative offices is subject to revocation if its maintenance is found to be inconvenient, as expressed in the General Banking Law.</p>