

Chile's note: This initial offer text is without prejudice to Chile's right to amend, withdraw or modify its contents in any manner and at any moment before the conclusion of the EU-CL modernisation negotiations.

ANNEX I

SCHEDULE OF CHILE

INTRODUCTORY NOTES

1. **Description** provides a general non-binding description of the measure for which the entry is made.
2. In accordance with Article X.X (CBTS - Non-Conforming Measures) and Article X (Investment - Non-Conforming Measures), the articles of this Agreement specified in the **Obligations Concerned** element of an entry do not apply to the non-conforming aspects of the law, regulation or other measure identified in the **Measures** element of that entry.

Sector: All

Sub-Sector:

Obligations Concerned: National Treatment (Investment)

Level of Government: Central

Measures: Decree Law 1.939, Official Gazette, November 10, 1977, Rules for acquisition, administration and disposal of State owned assets, Title I (*Decreto Ley 1.939, Diario Oficial, noviembre 10, 1977, Normas sobre adquisición, administración y disposición de bienes del Estado, Título I*)
Decree with Force of Law (D.F.L.) 4 of the Ministry of Foreign Affairs, Official Gazette, November 10, 1967 (*Decreto con Fuerza de Ley (D.F.L.) 4 del Ministerio de Relaciones Exteriores, Diario Oficial, noviembre 10, 1967*)

Description: Investment

Chile may only dispose of the ownership or other rights over “State land” to Chilean natural or juridical persons, unless the applicable legal exceptions, such as in Decree Law 1939 (*Decreto Ley 1.939*), apply. “State land” for these purposes refers to State owned land up to a distance of 10 kilometres from the border and up to a distance of five kilometres from the coastline, measured from the high-tide line.

Immovable property situated in areas declared “the borderland zone” by virtue of D.F.L. 4 of the Ministry of Foreign Affairs, 1967 (*D.F.L. 4 del Ministerio de Relaciones Exteriores, 1967*) may not be acquired,

either as property or in any other title, by (1) natural persons with nationality of a neighbouring country; (2) juridical persons with their principal seat in a neighbouring country; (3) juridical persons with 40 per cent or more of capital owned by natural persons with nationality of a neighbouring country; or (4) juridical persons effectively controlled by such natural persons. Notwithstanding the foregoing, this limitation may not apply if an exemption is granted by a Supreme Decree (*Decreto Supremo*) based on considerations of national interest.

Sector: All

Sub-Sector:

Obligations Concerned:

Performance Requirements (Investment)

Level of Government: Central

Measures:

D.F.L. 1 of the Ministry of Labour and Social Welfare, Official Gazette, January 24, 1994, Labour Code, Preliminary Title, Book I, Chapter III (*D.F.L. 1 del Ministerio del Trabajo y Previsión Social, Diario Oficial, enero 24, 1994, Código del Trabajo, Título Preliminar, Libro I, Capítulo III*)

Description:

Investment

A minimum of 85 per cent of employees who work for the same employer shall be Chilean natural persons or foreigners with more than five years of residence in Chile. This rule applies to employers with more than 25 employees under a contract of employment (*contrato de trabajo*¹). Expert technical personnel shall not be subject to this provision, as determined by the Directorate of Labour (*Dirección del Trabajo*).

¹ For greater certainty, a contract of employment (*contrato de trabajo*) is not mandatory for the supply of cross-border trade in services.

An employee shall be understood to mean any natural person who supplies intellectual or material services, under dependency or subordination, pursuant to a contract of employment.

Sector: Communications

Sub-Sector:

Obligations Concerned: National Treatment (CBTS and Investment)
Most-Favoured-Nation Treatment (CBTS and Investment)
Performance Requirements (Investment)
Senior Management and Boards of Directors (Article Investment)
Local Presence (CBTS)

Level of Government: Central

Measures: Law 18.838, Official Gazette, September 30, 1989, National Television Council, Titles I, II and III (*Ley 18.838, Diario Oficial, septiembre 30, 1989, Consejo Nacional de Televisión, Títulos I, II y III*)
Law 18.168, Official Gazette, October 2, 1982, General Telecommunications Law, Titles I, II and III (*Ley 18.168, Diario Oficial, octubre 2, 1982, Ley General de Telecomunicaciones, Títulos I, II y III*)
Law 19.733, Official Gazette, June 4, 2001, Law on Liberties of Opinion and Information and the Exercise of Journalism, Titles I and III (*Ley 19.733, Diario Oficial, junio 4, 2001, Ley sobre las Libertades de Opinión e Información y Ejercicio del Periodismo, Títulos I y III*)

Description: Investment and Cross-Border Trade in Services

The owner of a social communication medium, such as those that transmit on a regular basis sounds, texts or images, or a national news

agency shall, in the case of a natural person, have a duly established domicile in Chile, and in the case of a juridical person, shall be constituted with domicile in Chile or have an agency authorised to operate within the national territory.

Only Chilean nationals may be presidents, administrators or legal representatives of the juridical person.

The owner of a concession to supply (a) public telecommunication services; (b) intermediate telecommunication services supplied to telecommunications services through facilities and networks established for that purpose; and (c) sound broadcasting, shall be a juridical person constituted and domiciled in Chile.

Only Chilean nationals may be presidents, managers, administrators or legal representatives of the juridical person.

In the case of public radio broadcasting services, the board of directors may include foreigners, only if they do not represent the majority.

In the case of a social communication medium, the legally responsible director and the person who subrogates him or her must be Chilean, with domicile and residence in Chile, unless the social communication medium uses a language other than Spanish.

Requests for public radio broadcasting concessions submitted by juridical persons in which foreigners hold an interest exceeding 10 per cent of the capital shall be granted only if proof is previously provided verifying that similar rights and obligations as those that the applicants will enjoy in Chile are granted to Chilean nationals in their country of origin.

The National Television Council (*Consejo Nacional de Televisión*) may establish, as a general requirement that, programs broadcasted

through public (open) television channels include up to 40 per cent of Chilean production.

Sector: Energy

Sub-Sector:

Obligations Concerned: National Treatment (Investment)
Performance Requirements (Investment)

Level of Government: Central

Measures: Political Constitution of the Republic of Chile, Chapter III
(*Constitución Política de la República de Chile, Capítulo III*)
Law 18.097, Official Gazette, January 21, 1982, Constitutional
Organic Law on Mining Concessions, Titles I, II and III (*Ley 18.097,*
Diario Oficial, enero 21, 1982, Orgánica Constitucional sobre
Concesiones Mineras, Títulos I, II y III)
Law 18.248, Official Gazette, October 14, 1983, Mining Code, Titles
I and II (*Ley 18.248, Diario Oficial, octubre 14, 1983, Código de*
Minería, Títulos I y II)
Law 16.319, Official Gazette, October 23, 1965, Creates the Chilean
Nuclear Energy Commission, Titles I, II and III (*Ley 16.319, Diario*
Oficial, octubre 23, 1965, Crea la Comisión Chilena de Energía
Nuclear, Títulos I, II y III)

Description: Investment

The exploration, exploitation, and treatment (*beneficio*) of liquid or gaseous hydrocarbons, deposits of any kind existing in sea waters subject to national jurisdiction, and deposits of any kind wholly or partially located in areas classified as important to national security with mining effects, which qualification shall be made by law only,

can be the object of administrative concessions or special operating contracts, subject to the requirements and the conditions to be determined in each case by a Supreme Decree. For greater certainty, it is understood that the term “treatment” (*beneficio*) shall not include the storage, transportation or refining of the energy material referred to in this paragraph.

The production of nuclear energy for peaceful purposes may only be carried out by the Chilean Nuclear Energy Commission (*Comisión Chilena de Energía Nuclear*) or, with its authorisation, jointly with third persons. Should the Commission grant such an authorisation, it may determine the terms and conditions thereof.

Sector: Mining

Sub-Sector:

Obligations Concerned: National Treatment (Investment)
Performance Requirements (Investment)

Level of Government: Central

Measures: Political Constitution of the Republic of Chile, Chapter III
(*Constitución Política de la República de Chile, Capítulo III*)
Law 18.097, Official Gazette, January 21, 1982, Constitutional
Organic Law on Mining Concessions, Titles I, II and III (*Ley 18.097,*
Diario Oficial, enero 21, 1982, Orgánica Constitucional sobre
Concesiones Mineras, Títulos I, II y III)
Law 18.248, Official Gazette, October 14, 1983, Mining Code, Titles
I and III (*Ley 18.248, Diario Oficial, octubre 14, 1983, Código de*
Minería, Títulos I y III)
Law 16.319, Official Gazette, October 23, 1965, Creates the Chilean
Nuclear Energy Commission, Titles I, II and III (*Ley 16.319, Diario*
Oficial, octubre 23, 1965, Crea la Comisión Chilena de Energía
Nuclear, Títulos I, II y III)

Description: Investment

The exploration, exploitation, and treatment (*beneficio*) of lithium, deposits of any kind existing in sea waters subject to national jurisdiction, and deposits of any kind wholly or partially located in areas classified as important to national security with mining effects, which qualification shall be made by law only, can be the object of

administrative concessions or special operating contracts, subject to the requirements and the conditions to be determined, in each case by a Supreme Decree.

Chile has the right of first offer at market prices and terms for the purchase of mineral products when thorium and uranium are contained in significant quantities.

For greater certainty, Chile may require that producers separate from mining products the portion of:

- (a) liquid or gaseous hydrocarbons;
- (b) lithium;
- (c) deposits of any kind existing in sea waters subject to national jurisdiction; and
- (d) deposits of any kind wholly or partially located in areas classified as important to national security with mining effects, which qualification shall be made by law only, that exists, in significant amounts, in such mining products and that can be economically and technically separated, for delivery to or for sale on behalf of the State. For these purposes, “economically and technically separated” means that the costs incurred to recover the four types of substances referred to above through a sound technical procedure and to commercialise and deliver those substances shall be lower than their commercial value.

For greater certainty, the procedures for the granting of administrative concessions or special operation contracts do not, as applicable, per se, establish discriminatory treatment towards foreign investors. However, if Chile decides to exploit any of the above-mentioned mining resources

by means of a competitive process granting to investors a concession or a special operating contract, the decision will be based solely on the terms of the tender in a transparent process of competitive non-discriminatory bidding.

Unless the conditions of the contract or concession stated otherwise, a subsequent transfer or disposal of whole or part of any right conferred under the contract or concession, shall not be conditioned upon the nationality of the acquirer.

Furthermore, only the Chilean Nuclear Energy Commission (*Comisión Chilena de Energía Nuclear*), or parties authorised by the said Commission, may execute or enter into juridical acts regarding extracted natural atomic materials and lithium, as well as their concentrates, derivatives and compounds.

Sector:	Fisheries
Sub-Sector:	Aquaculture
Obligations Concerned:	National Treatment (Investment)
Level of Government:	Central
Measures:	Decree 430, consolidated, coordinated and systematized text of Law 18.892 from 1989 and its modifications, General Law on Fisheries and Aquaculture, Official Gazette, January 21, Titles I and VI (Decreto 430 fija el texto refundido, coordinado y sistematizado de la ley N° 18.892, de 1989 y sus modificaciones, Ley General de Pesca y Acuicultura <i>Ley 18.892, Diario Oficial, enero 21, 1992, Títulos I y VI</i>)
Description:	<u>Investment</u> Only Chilean natural or juridical persons constituted in accordance with Chilean law and foreigners with permanent residency may hold an authorisation or concession to carry out aquaculture activities.

Sector: Fisheries and Fishing Related Activities

Sub-Sector:

Obligations Concerned: National Treatment (Investment and CBTS)
Most-Favoured-Nation Treatment (Investment and CBTS)
Senior Management and Boards of Directors (Investment)
Local Presence (CBTS)

Level of Government: Central

Measures: Decree 430, consolidated, coordinated and systematized text of Law 18.892 from 1989 and its modifications, General Law on Fisheries and Aquaculture, Official Gazette, January 21, Titles I, III, IV and IX (*Decreto 430 fija el texto refundido, coordinado y sistematizado de la ley N° 18.892, de 1989 y sus modificaciones, Ley General de Pesca y Acuicultura, diario oficial, enero 21, 1992, Títulos I, III, IV y IX*)

Decree Law 2.222, Official Gazette, May 31, 1978, Navigation Law, Titles I and II (*Decreto Ley 2.222, Diario Oficial, mayo 31, 1978, Ley de Navegación, Títulos I y II*)

Description: Investment and Cross-Border Trade in Services

Only Chilean natural persons or juridical persons constituted in accordance with Chilean law and foreigners with permanent residency may hold permits to harvest and catch hydrobiological species.

Only Chilean vessels are permitted to fish in internal waters, in the territorial sea and in the exclusive economic zone. “Chilean vessels” are those defined in the Navigation Law (*Ley de Navegación*). Access to industrial extractive fishing activities shall be subject to prior registration of the vessel in Chile.

Only a Chilean natural or juridical person may register a vessel in Chile. Such juridical person must be constituted in Chile with principal domicile and real and effective seat in Chile. The president, manager and the majority of the directors or administrators must be Chilean natural persons. In addition, more than 50 per cent of its equity capital must be held by Chilean natural or juridical persons. For these purposes, a juridical person with ownership participation in another juridical person that owns a vessel has to comply with all the requirements mentioned above.

A joint ownership (*comunidad*) may register a vessel if (1) the majority of the joint ownership is Chilean with domicile and residency in Chile; (2) the administrators are Chilean natural persons; and (3) the majority of the rights of the joint ownership (*comunidad*) belong to a Chilean natural or juridical person. For these purposes, a juridical person with ownership participation in a joint ownership (*comunidad*) that owns a vessel has to comply with all the requirements mentioned above.

An owner (natural or juridical person) of a fishing vessel registered in Chile prior to June 30, 1991 shall not be subject to the nationality requirement mentioned above.

In cases of reciprocity granted to Chilean vessels by any other country, fishing vessels specifically authorised by the maritime authorities pursuant to powers conferred by law may be exempted from the requirements mentioned above on equivalent terms provided to Chilean vessels by that country.

Access to artisanal fishing (*pesca artesanal*) activities shall be subject to registration in the Registry for Artisanal Fishing (*Registro de Pesca Artesanal*). Registration for artisanal fishing (*pesca artesanal*) is only granted to Chilean natural persons and foreign natural persons with permanent residency, or a Chilean juridical person constituted by the aforementioned persons.

Sector:	Specialised Services
Sub-Sector:	Customs agents (<i>agentes de aduana</i>) and brokers (<i>despachadores de aduana</i>)
Obligations Concerned:	National Treatment (CBTS) Local Presence (CBTS)
Level of Government:	Central
Measures:	D.F.L. 30 of the Ministry of Finance, Official Gazette, April 13, 1983, Book IV (<i>D.F.L. 30 del Ministerio de Hacienda, Diario Oficial, abril 13, 1983, Libro IV</i>) D.F.L. 2 of the Ministry of Finance, 1998 (<i>D.F.L. 2 del Ministerio de Hacienda, 1998</i>)
Description:	<u>Cross-Border Trade in Services</u> Only Chilean natural persons with residency in Chile may act as customs brokers (<i>Despachadores de Aduana</i>) or agents (<i>Agentes de Aduana</i>) in the territory of Chile.

Sector:	Investigation and Security Services
Sub-Sector:	Guard services
Obligations Concerned:	National Treatment (CBTS)
Level of Government:	Central
Measures:	Decree 1.773 of the Ministry of Interior, Official Gazette, November 14, 1994 (<i>Decreto 1.773 del Ministerio del Interior, Diario Oficial, noviembre 14, 1994</i>)
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>Only Chilean nationals and permanent residents may provide services as private security guards.</p>

Sector: Business Services

Sub-Sector: Research services

Obligations Concerned: National Treatment (CBTS)

Level of Government: Central

Measures: Supreme Decree 711 of the Ministry of National Defence, Official Gazette, October 15, 1975 (*Decreto Supremo 711 del Ministerio de Defensa Nacional, Diario Oficial, octubre 15, 1975*)

Description: Cross-Border Trade in Services

Foreign natural and juridical persons intending to conduct research in the Chilean 200-mile maritime zone shall be required to submit a request six months in advance to the Chilean Army Hydrographic Institute (*Instituto Hidrográfico de la Armada de Chile*) and shall comply with the requirements established in the corresponding regulation. Chilean natural and juridical persons shall be required to submit a request three months in advance to the Chilean Army Hydrographic Institute (*Instituto Hidrográfico de la Armada de Chile*) and shall comply with the requirements established in the corresponding regulation.

Sector: Business Services

Sub-Sector: Research services

Obligations Concerned: National Treatment (CBTS)

Level of Government: Central

Measures: D.F.L. 11 of the Ministry of Economic Affairs, Development and Reconstruction, *Official Gazette, December 5, 1968 (D.F.L. 11 del Ministerio de Economía, Fomento y Reconstrucción, Diario Oficial, diciembre 5, 1968)*

Decree 559 of the Ministry of Foreign Affairs, *Official Gazette, January 24, 1968 (Decreto 559 del Ministerio de Relaciones Exteriores, Diario Oficial, enero 24, 1968)*

D.F.L. 83 of the Ministry of Foreign Affairs, *Official Gazette, March 27, 1979 (D.F.L. 83 del Ministerio de Relaciones Exteriores, Diario Oficial, marzo 27, 1979)*

Supreme Decree 1166 of the Ministry of Foreign Affairs, *Official Gazette, July 20, 1999 (Decreto Supremo 1166 del Ministerio de Relaciones Exteriores, Diario Oficial, julio 20, 1991)*

Description: Cross-Border Trade in Services

Natural persons representing foreign juridical persons, or natural persons residing abroad, intending to perform explorations for work of a scientific or technical nature, or mountain climbing, in areas that are adjacent to Chilean borders shall apply for the appropriate authorisation through a Chilean consul in the country of domicile of

the natural person. The Chilean consul shall then send such application directly to the National Directorate of Borders and Frontiers of the State (*Dirección Nacional de Fronteras y Límites del Estado*). The Directorate may order that one or more Chilean natural persons working in the appropriate related activities shall join the explorations in order to become acquainted with the studies to be undertaken.

The Operations Department of the National Directorate of Borders and Frontiers of the State (*Departamento de Operaciones de la Dirección Nacional de Fronteras y Límites del Estado*) shall decide and announce whether it authorises or rejects geographic or scientific explorations to be carried out by foreign juridical or natural persons in Chile. The National Directorate of Borders and Frontiers of the State (*Dirección Nacional de Fronteras y Límites del Estado*) shall authorise and will supervise all explorations involving work of a scientific or technical nature, or mountain climbing, that foreign juridical persons or natural persons residing abroad intend to carry out in areas adjacent to Chilean borders.

Sector:	Business Services
Sub-Sector:	Research in social sciences
Obligations Concerned:	National Treatment (CBTS)
Level of Government:	Central
Measures:	<p>Law 17.288, Official Gazette, February 4, 1970, Title V (<i>Ley 17.288, Diario Oficial, febrero 4, 1970, Título V</i>)</p> <p>Supreme Decree 484 of the Ministry of Education, Official Gazette, April 2, 1991 (<i>Decreto Supremo 484 del Ministerio de Educación, Diario Oficial, abril 2, 1991</i>)</p>
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>Foreign juridical or foreign natural persons intending to perform excavations, surveys, probing or collect anthropological, archaeological or paleontological material must apply for a permit from the National Monuments Council (<i>Consejo de Monumentos Nacionales</i>). In order to obtain the permit, the person in charge of the research must be engaged by a reliable foreign scientific institution and must be working in collaboration with a Chilean governmental scientific institution or a Chilean university.</p> <p>The aforementioned permit can be granted to (1) Chilean researchers having the pertinent scientific background in archaeology, anthropology or palaeontology, duly certified as appropriate, and also having a research project and due institutional sponsorship; and (2) foreign researchers, provided that they are engaged by a reliable</p>

scientific institution and that they work in collaboration with a Chilean governmental scientific institution or a Chilean university. Museum directors or curators recognised by the National Monuments Council (*Consejo de Monumentos Nacionales*), professional archaeologists, anthropologists or palaeontologists, as appropriate, and the members of the Chilean Society of Archeology (*Sociedad Chilena de Arqueología*) shall be authorised to perform salvage-related works. Salvage-related works involve the urgent recovery of data or archaeological, anthropological or paleontological artefacts or species threatened by imminent loss.

Sector:	Business Services
Sub-Sector:	Printing, publishing and other related industries
Obligations Concerned:	National Treatment (Investment) Most-Favoured-Nation Treatment (Investment) Senior Management and Boards of Directors (Investment)
Level of Government:	Central
Measures:	Law 19.733, Official Gazette, June 4, 2001, Law on Liberties of Opinion and Information and the Exercise of Journalism, Titles I and III (<i>Ley 19.733, Diario Oficial, junio 4, 2001, Ley sobre las Libertades de Opinión e Información y Ejercicio del Periodismo, Títulos I y III</i>)
Description:	<u>Investment</u> The owner of a social communication medium such as newspapers, magazines or regularly published texts whose publishing address is located in Chile, or a national news agency, shall, in the case of a natural person, have a duly established domicile in Chile and, in the case of a juridical person, shall be constituted with domicile in Chile or have an agency authorised to operate within the national territory. Only Chilean nationals may be president, administrators or legal representatives of the juridical person operating in Chile, as described above.

The director legally responsible and the person who replaces him or her must be Chilean with domicile and residence in Chile. Chilean nationality will not be required in case a social communication medium uses a language different from Spanish.

Sector:	Professional Services
Sub-Sector:	Accounting, auditing, book-keeping and taxation services
Obligations Concerned:	National Treatment (CBTS) Local Presence (CBTS)
Level of Government:	Central
Measures:	<p>Law 18.046, Official Gazette, October 22, 1981, Corporations Law, Title V (<i>Ley 18.046, Diario Oficial, octubre 22, 1981, Ley de Sociedades Anónimas, Título V</i>)</p> <p>Supreme Decree 702 of the Ministry of Finance, Official Gazette, July 6, 2012, Corporations Act (<i>Decreto Supremo 702 del Ministerio de Hacienda, Diario Oficial, julio 6, 2012, Reglamento de Sociedades Anónimas</i>)</p> <p>Decree Law 1.097, Official Gazette, July 25, 1975, Titles I, II, III and IV (<i>Decreto Ley 1.097, Diario Oficial, julio 25, 1975, Títulos I, II, III y IV</i>)</p> <p>Decree Law 3.538, Official Gazette, December 23, 1980, Titles I, II, III and IV (<i>Decreto Ley 3.538, Diario Oficial, diciembre 23, 1980, Títulos I, II, III y IV</i>)</p> <p>Circular 2.714, October 6, 1992; Circular 1, January 17, 1989; Chapter 19 Updated Collection, Superintendence of Banks and Financial Institutions Norms on External Auditors (<i>Circular 2.714, octubre 6, 1992; Circular 1, enero 17, 1989; Capítulo 19 de la Recopilación Actualizada de Normas de la Superintendencia de Bancos e Instituciones Financieras sobre Auditores Externos</i>)</p> <p>Circular 327, June 29, 1983 and Circular 350, October 21, 1983, Superintendence of Securities and Insurance (<i>Circular 327, junio 29,</i></p>

1983 y Circular 350, octubre 21, 1983, de la Superintendencia de Valores y Seguros)

Description:

Cross-Border Trade in Services

External auditors of financial institutions must be registered in the Registry of External Auditors kept by the Financial Market Commission (*Comisión para el Mercado Financiero*). Only Chilean juridical persons legally incorporated as partnerships (*sociedades de personas*) or associations (*asociaciones*) and whose main line of business is auditing services may be inscribed in the Registry.

Sector: Professional Services

Sub-Sector: Legal services

Obligations Concerned: National Treatment (CBTS)
Local Presence (CBTS)

Level of Government: Central

Measures: Tribunals Organic Code, Title XV, Official Gazette, July 9, 1943
(*Código Orgánico de Tribunales, Título XV, Diario Oficial, julio 9, 1943*)
Decree 110 of the Ministry of Justice, Official Gazette, March 20, 1979
(*Decreto 110 del Ministerio de Justicia, Diario Oficial, marzo 20, 1979*)
Law 18.120, Official Gazette, May 18, 1982 (*Ley 18.120, Diario Oficial, mayo 18, 1982*)

Description: Cross-Border Trade in Services

Only Chilean and foreign nationals with residence in Chile, who have completed the totality of their legal studies in the country, shall be authorised to practice as lawyers (*abogados*).

Only lawyers (*abogados*) duly qualified to practise law shall be authorised to plead a case in Chilean courts and to file the first legal action or claim of each party.

None of these measures apply to foreign legal consultants who practise or advise on international law or on the law of another Party.

Sector:	Professional, Technical and Specialised Services
Sub-Sector:	Auxiliary services in the administration of justice
Obligations Concerned:	National Treatment (CBTS) Local Presence (CBTS)
Level of Government:	Central
Measures:	<p>Tribunals Organic Code, Titles XI and XII, Official Gazette, July 9, 1943, (<i>Código Orgánico de Tribunales, Títulos XI y XII, Diario Oficial, julio 9, 1943</i>)</p> <p>Real State Custodian Registry Act, Titles I, II and III, Official Gazette, June 24, 1857 (<i>Reglamento del Registro Conservador de Bienes Raíces, Títulos I, II y III, Diario Oficial, junio 24, 1857</i>)</p> <p>Law 18.118, Official Gazette, May 22, 1982, Title I (<i>Ley 18.118, Diario Oficial, mayo 22, 1982, Título I</i>)</p> <p>Decree 197 of the Ministry of Economic Affairs, Development and Reconstruction, Official Gazette, August 8, 1985 (<i>Decreto 197 del Ministerio de Economía, Fomento y Reconstrucción, Diario Oficial, agosto 8, 1985</i>)</p> <p>Law 18.175, Official Gazette, October 28, 1982, Title III (<i>Ley 18.175, Diario Oficial, octubre 28, 1982, Título III</i>)</p>
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>Justice ancillaries (<i>auxiliares de la administración de justicia</i>) must have their residence in the same city or place where the court house for which they render services is domiciled.</p>

Public defenders (*defensores públicos*), public notaries (*notarios públicos*), and custodians (*conservadores*) shall be Chilean natural persons and fulfil the same requirements needed to become a judge.

Archivists (*archiveros*), public defenders (*defensores públicos*) and arbitrators at law (*árbitros de derecho*) must be lawyers (*abogados*) and, therefore, must be Chilean or foreign nationals with residence in Chile who have completed the totality of their legal studies in the country. Another Party's lawyers may assist in arbitration when dealing with the law of another Party and international law and the private parties request it.

Only Chilean natural persons with the right to vote, and foreign natural persons with permanent residence and the right to vote, can act as process servers (*receptores judiciales*) and superior court attorneys (*procuradores del número*).

Only Chilean natural persons, foreign natural persons with permanent residence in Chile or Chilean juridical persons may be auctioneers (*martilleros públicos*).

Receivers in bankruptcy (*síndicos de quiebra*) must have a professional or technical degree granted by a university or a professional or technical institute recognised by Chile. Receivers in bankruptcy must have at least three years of experience in the commercial, economic or juridical field.

Sector: Transportation

Sub-Sector: Water transport services and shipping

Obligations Concerned:
Most-Favoured-Nation Treatment (Investment and CBTS)

Level of Government: Central

Measures: Decree Law 3.059, Official Gazette, December 22, 1979, Merchant Fleet Promotion Law, Titles I and II (*Decreto Ley 3.059, Diario Oficial, 22 de diciembre de 1979, Ley de Fomento a la Marina Mercante, Títulos I y II*)
Supreme Decree 237, Official Gazette, July 25, 2001, Act of Decree Law 3.059, Titles I and II (*Decreto Supremo 237, Diario Oficial, julio 25, 2001, Reglamento del Decreto Ley 3.059, Títulos I y II*)
Code of Commerce, Book III, Titles I, IV and V (*Código de Comercio, Libro III, Títulos I, IV y V*)

Description: Investment and Cross-Border Trade in Services

Feeder services are reserved for national vessels when the cargo is moved between two Chilean ports.

International maritime transport of cargo to or from Chile is subject to the principle of reciprocity.

In the event that Chile should adopt, for reasons of reciprocity, a cargo reservation measure applicable to international cargo transportation between Chile and a non-Party, the reserved cargo shall be transported in Chilean-flag vessels or in vessels considered as such.

Sector:	Transportation
Sub-Sector:	Water transport services and shipping
Obligations Concerned:	National Treatment (Investment and CBTS) Most-Favoured-Nation Treatment (Investment and CBTS) Senior Management and Boards of Directors (Investment) Local Presence (CBTS)
Level of Government:	Central
Measures:	Decree Law 2.222, Official Gazette, May 31, 1978, Navigation Law, Titles I, II, III, IV and V (<i>Decreto Ley 2.222, Diario Oficial, mayo 31, 1978, Ley de Navegación, Títulos I, II, III, IV y V</i>) Code of Commerce, Book III, Titles I, IV and V (<i>Código de Comercio, Libro III, Títulos I, IV y V</i>)
Description:	<u>Investment and Cross-Border Trade in Services</u> Only a Chilean natural or juridical person may register a vessel in Chile. Such juridical person must be constituted with principal domicile and real and effective seat in Chile. In addition, more than 50 per cent of its capital must be held by Chilean natural or juridical persons. For these purposes, a juridical person with ownership participation in another juridical person that owns a vessel has to comply with all the aforementioned requisites. The president, manager and majority of the directors or administrators must be Chilean natural persons.

A joint ownership (*comunidad*) may register a vessel if (1) the majority of the joint ownership is Chilean with domicile and residency in Chile; (2) the administrators are Chileans; and (3) the majority of the rights of the joint ownership belong to a Chilean natural or juridical person. For these purposes, a juridical person with ownership participation in a joint ownership (*comunidad*) that owns a vessel has to comply with all the aforementioned requisites to be considered Chilean.

Special vessels owned by foreign natural or juridical persons may be registered in Chile, if those persons meet the following conditions: (1) domicile in Chile; (2) principal head office in Chile; or (3) undertaking a profession or commercial activity in a permanent way in Chile.

“Special vessels” are those used in services, operations or for specific purposes, with special features for the functions they perform, such as tugboats, dredgers, scientific or recreational vessels, among others. For the purposes of this paragraph, a special vessel does not include a fishing vessel.

The maritime authority may provide better treatment based on the principle of reciprocity.

Sector:	Transportation
Sub-Sector:	Water transport services and shipping
Obligations Concerned:	National Treatment (CBTS) Most-Favoured-Nation Treatment (CBTS) Local Presence (CBTS)
Level of Government:	Central
Measures:	Decree Law 2.222, Official Gazette, May 31, 1978, Navigation Law, Titles I, II, III, IV and V (<i>Decreto Ley 2.222, Diario Oficial, 31 mayo de 1978, Ley de Navegación, Títulos I, II, III, IV y V</i>) Supreme Decree 153, Official Gazette, March 11, 1966, Approves the Sea People, Fluvial and Lacustrine Personnel Registration General Act (<i>Decreto Supremo 153, Diario Oficial, 11 marzo de 1966, Aprueba el Reglamento General de Matrícula del Personal de Gente de Mar, Fluvial y Lacustre</i>) Code of Commerce, Book III, Titles I, IV and V (<i>Código de Comercio, Libro III, Títulos I, IV y V</i>)
Description:	<u>Cross-Border Trade in Services</u> Foreign vessels shall be required to use pilotage, anchoring and harbour pilotage services when the maritime authorities so require. In tugging activities or other manoeuvres performed in Chilean ports, only tugboats flying the Chilean flag shall be used. Captains shall be required to be Chilean nationals and to be acknowledged as such by the pertinent authorities. Officers on Chilean vessels must be Chilean natural persons registered in the

Officers' Registry (*Registro de oficiales*). Crewmembers of a Chilean vessel must be Chilean, have the permit granted by the Maritime Authority (*Autoridad Marítima*) and be registered in the respective Registry. Professional titles and licences granted by a foreign country may be considered valid for the discharge of officers' duties on Chilean vessels pursuant to a substantiated resolution (*resolución fundada*) issued by the Director of the Maritime Authority.

Ship captains (*patrón de nave*) shall be Chilean nationals. A ship captain is a natural person who, pursuant to the corresponding title awarded by the Director of the Maritime Authority, is empowered to exercise command on smaller vessels and on certain special larger vessels.

Fishing boat captains (*patrones de pesca*), machinists (*mecánicos-motoristas*), machine operators (*motoristas*), sea-faring fishermen (*marineros pescadores*), small-scale fishermen (*pescadores*), industrial or maritime trade technical employees or workers, and industrial and general ship service crews on fishing factories or fishing boats shall be required to be Chilean nationals. Foreigners with domicile in Chile shall also be authorised to perform those activities when so requested by ship operators (*armadores*) for being indispensable to initiate those activities.

In order to fly the Chilean flag, the ship captain (*patrón de nave*), officers and crew must be Chilean nationals. Nevertheless, if indispensable, the General Directorate for the Maritime Territory and Merchant Fleet (*Dirección General del Territorio Marítimo y de Marina Mercante*), on the basis of a substantiated resolution (*resolución fundada*) and on a temporary basis, may authorise the hiring of foreign personnel, with the exception of the captain, who must always be a Chilean national.

Only Chilean natural or juridical persons shall be authorised to act in Chile as multimodal operators.

Sector:	Transportation
Sub-Sector:	Water transport services and shipping
Obligations Concerned:	National Treatment (Investment and CBTS) Senior Management and Boards of Directors (Investment) Local Presence (CBTS)
Level of Government:	Central
Measures:	Code of Commerce, Book III, Titles I, IV and V (<i>Código de Comercio, Libro III, Títulos I, IV y V</i>) Decree Law 2.222, Official Gazette, May 31, 1978, Navigation Law, Titles I, II and IV (<i>Decreto Ley 2.222, Diario Oficial, mayo 31, 1978, Ley de Navegación, Títulos I, II y IV</i>) Decree 90 of the Ministry of Labour and Social Welfare, Official Gazette, January 21, 2000 (<i>Decreto 90 del Ministerio de Trabajo y Previsión Social, Diario Oficial, enero 21, 2000</i>) Decree 49 of the Ministry of Labour and Social Welfare, July 16, 1999 (<i>Decreto 49 del Ministerio de Trabajo y Previsión Social, Diario Oficial, julio 16, 1999</i>) Labour Code, Book I, Title II, Chapter III, paragraph 2 (<i>Código del Trabajo, Libro I, Título II, Capítulo III, párrafo 2</i>)
Description:	<u>Investment and Cross-Border Trade in Services</u> Shipping agents or representatives of ship operators, owners or captains, whether they are natural or juridical persons, shall be required to be Chilean.

Work of stowage and dockage performed by natural persons is reserved to Chileans who are duly accredited by the corresponding authority to carry out such work and have an office established in Chile. Whenever these activities are carried out by juridical persons, they must be legally constituted in Chile and have their principal domicile in Chile. The chairman, administrators, managers or directors must be Chilean. More than 50 per cent of the corporate capital must be held by Chilean natural or juridical persons. Such enterprises shall designate one or more empowered agents, who will act in their representation and who shall be Chilean nationals.

Anyone unloading, transshipping and, generally, using continental or insular Chilean ports, particularly for landing fish catches or processing fish catches on board, shall also be required to be a Chilean natural or juridical person.

Sector:	Transportation
Sub-Sector:	Land transportation
Obligations Concerned:	National Treatment (CBTS) Most-Favoured-Nation Treatment (CBTS) Local Presence (CBTS)
Level of Government:	Central
Measures:	Supreme Decree 212 of the Ministry of Transport and Telecommunications, Official Gazette, November 21, 1992 (<i>Decreto Supremo 212 del Ministerio de Transportes y Telecomunicaciones, Diario Oficial, noviembre 21, 1992</i>) Decree 163 of the Ministry of Transport and Telecommunications, Official Gazette, January 4, 1985 (<i>Decreto 163 del Ministerio de Transportes y Telecomunicaciones, Diario Oficial, enero 4, 1985</i>) Supreme Decree 257 of the Ministry of Foreign Affairs, Official Gazette, October 17, 1991 (<i>Decreto Supremo 257 del Ministerio de Relaciones Exteriores, Diario Oficial, octubre 17, 1991</i>)
Description:	<u>Cross-Border Trade in Services</u>

Foreign natural and juridical persons qualified to supply international transportation services in Chilean territory cannot supply local transportation services or participate in any manner whatsoever in the said activities in the national territory.

Only companies with actual and effective domicile in Chile and organised under the laws of Chile, Argentina, Bolivia, Brazil, Peru, Uruguay or Paraguay shall be authorised to supply international land transportation services between Chile and Argentina, Bolivia, Brazil, Peru, Uruguay or Paraguay.

Furthermore, to obtain an international land transport permit, in the case of foreign juridical persons, more than 50 per cent of its corporate capital and effective control shall be held by nationals of Chile, Argentina, Bolivia, Brazil, Peru, Uruguay or Paraguay.

Sector:	Transportation
Sub-Sector:	Land transportation
Obligations Concerned:	Most-Favoured-Nation Treatment (CBTS)
Level of Government:	Central
Measures:	<p>Law 18.290, Official Gazette, February 7, 1984, Title IV (<i>Ley 18.290, Diario Oficial, febrero 7, 1984, Título IV</i>)</p> <p>Supreme Decree 485 of the Ministry of Foreign Affairs, Official Gazette, September 7, 1960, Geneva Convention (<i>Decreto Supremo 485 del Ministerio de Relaciones Exteriores, Diario Oficial, septiembre 7, 1960, Convención de Ginebra</i>)</p>
Description:	<p><u>Cross-Border Trade in Services</u></p> <p>Motor vehicles bearing foreign licence plates that enter Chile on a temporary basis, pursuant to provisions set forth in the 1949 <i>Geneva Convention on Road Traffic</i>, shall circulate freely throughout the national territory for the period established therein, provided that they comply with the requirements established by Chilean law.</p> <p> Holders of valid international driving licences or certificates issued in a foreign country in accordance with the Geneva Convention may drive anywhere within the national territory. The driver of a vehicle bearing foreign licence plates who holds an international driver's licence shall present, upon request by the authorities, the documents</p>

certifying both the roadworthiness of the vehicle and the use and validity of his or her personal documents.