

## CHAPTER 17

### INTERNATIONAL MARITIME TRANSPORT SERVICES

#### Article 17.1

##### Scope, Definitions and Principles

1. This Section sets out the principles regarding the liberalisation of international maritime transport services pursuant to Chapters XX Section X, XX and XX of this Agreement.
  
2. For the purpose of this Section and Chapters XX Section X, XX and XX of this Agreement:
  - a) ‘international maritime transport services’ means the transport of passengers and/or cargo by sea-going vessels between a port of a Party and a port of the other Party or of a third country. This includes the direct contracting with providers of other transport services, with a view to cover door-to-door or multimodal transport operations under a single transport document, but not the right to provide such other transport services.
  
  - b) ‘door-to-door or multimodal transport operations’ means the transport of cargo using more than one mode of transport, involving an international sea-leg, under a single transport document.
  
  - c) ‘international cargo’ means cargo transported between a port of one Party and a port of the other Party or of a third Party, or between a port of one Member State of the European Union and a port of another Member State of the European Union.
  
  - d) ‘maritime auxiliary services’ means maritime cargo handling services, customs clearance services, container station and depot services, maritime agency services and maritime freight forwarding services;
  
  - e) ‘maritime cargo handling services’ means activities exercised by stevedore companies, including terminal operators but not including the direct activities of dockers, when this workforce is organised independently of the stevedoring or terminal operator companies. The activities covered include the organisation and supervision of:
    - i) the loading or discharging of cargo to or from a ship;
    - ii) the lashing or unlashings of cargo;

- iii) the reception/delivery and safekeeping of cargoes before shipment or after discharge;
- f) 'customs clearance services' (alternatively 'customs house brokers' services') means activities consisting in carrying out on behalf of another party customs formalities concerning import, export or through transport of cargoes, whether this service is the main activity of the service provider or a usual complement of its main activity;
- g) 'container station and depot services' means activities consisting in storing containers, whether in port areas or inland, with a view to their stuffing or stripping, repairing and making them available for shipments;
- h) 'maritime agency services' means activities consisting in representing, within a given geographic area, as an agent the business interests of one or more shipping lines or shipping companies, for the following purposes:
  - i) marketing and sales of maritime transport and related services, from quotation to invoicing, and issuance of bills of lading on behalf of the companies, acquisition and resale of the necessary related services, preparation of documentation, and provision of business information;
  - ii) acting on behalf of the companies organising the call of the ship or taking over cargoes when required;
- i) 'freight forwarding services' means the activity consisting of organising and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information;
- j) 'feeder services' means the pre- and onward transportation by sea, between ports located in a Party, of international cargo, notably containerised, *en route* to a destination outside the territory of that Party.

3. In view of the existing levels of liberalisation between the Parties in international maritime transport:

- a) the Parties shall apply effectively the principle of unrestricted access to the international maritime markets and trades on a commercial and non-discriminatory basis;
- b) each Party shall grant to ships flying the flag of the other Party or operated by service suppliers of the other Party treatment no less favourable than that accorded to its own ships, with regard to, *inter alia*, access to ports, use of infrastructure and services of

ports, and use of maritime auxiliary services, as well as related fees and charges, customs facilities and assignment of berths and facilities for loading and unloading.

4. In applying the principles referred to in subparagraphs 3 (a) and 3 (b), the Parties shall:
  - a) not introduce cargo-sharing arrangements in future agreements with third countries concerning maritime transport services, including dry and liquid bulk and liner trade, and terminate, within a reasonable period of time, such cargo-sharing arrangements in case they exist in previous agreements; and
  - b) upon the entry into force of this Agreement, abolish and abstain from introducing any unilateral measures or administrative, technical and other obstacles which could constitute a disguised restriction or have discriminatory effects on the free supply of services in international maritime transport.
5. Each Party shall permit international maritime service suppliers of the other Party to have an enterprise established and operating in its territory in accordance with the conditions inscribed in its Schedule of Specific Commitments.
6. The Parties shall make available to international maritime transport suppliers of the other Party on reasonable and non-discriminatory terms and conditions the following services at the port: pilotage, towing and tug assistance, provisioning, fuelling and watering, garbage collecting and ballast waste disposal, port captain's services, navigation aids, shore-based operational services essential to ship operations, including communications, water and electrical supplies, emergency repair facilities, anchorage, berth and berthing services.
7. Each Party shall permit the international maritime transport service suppliers of the other party to re-position owned or leased empty containers which are not being carried as cargo against payment, between ports of Chile or between ports of a Member State of the European Union.