INTERIM TRADE AGREEMENT BETWEEN THE EUROPEAN UNION AND THE REPUBLIC OF CHILE

PREAMBLE

The European Union, hereinafter referred to as "the Union" or "the EU",

and

the Republic of Chile, hereinafter referred to as "Chile",

hereinafter jointly referred to as "the Parties" or individually referred to as "Party",

CONSIDERING the strong cultural, political, economic and cooperation ties which unite them;

MINDFUL of the significant contribution to strengthen these ties made by the Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part, signed in Brussels on 18 November 2002;

EMPHASISING the comprehensive nature of their relationship and the importance of providing a coherent framework for its further promotion;

CONSIDERING their joint commitment to modernise and replace the existing Association Agreement to reflect new political and economic realities and the advancements made in their partnership;

ACKNOWLEDGING the importance of a strong and effective multilateral system, based upon international law, in preserving peace, preventing conflicts and strengthening international security and in tackling common challenges;

AFFIRMING their commitment to strengthen cooperation on bilateral, regional and global issues of common concern and to use all available cooperation tools for promoting activities designed to develop an active and reciprocal international cooperation;

RECOGNISING the interim character of this Trade Agreement that will strengthen bilateral economic and trade relations between the Parties, subsumed under the Advanced Framework Agreement and that this Agreement will cease to apply once the latter enters into force;

WELCOMING the adoption of the Sendai Framework for Disaster Risk Reduction 2015 - 2030, the Addis Ababa Action Agenda, the 2030 Agenda for Sustainable Development, the Paris Agreement on Climate Change, the New Urban Agenda, as well as the World Humanitarian Summit Commitments, and calling for their implementation;

REAFFIRMING their commitment to promote sustainable development in its economic, social and environmental dimension and to the development of international trade in such a way as to contribute to sustainable development in these three dimensions, which are recognized as deeply interlinked and mutually reinforcing and also to the achievement of the objectives of the 2030 Agenda;

REAFFIRMING their commitment to expand and diversify their trade relation in conformity with the Marrakesh Agreement Establishing the World Trade Organization ("WTO Agreement") and the specific objectives and provisions set out in this Agreement;

DESIRING to strengthen their economic relations, particularly trade and investment, strengthening and improving the current level of access, and contributing to economic growth, bearing in mind the need to raise awareness of the economic and social impact of environmental damage, unsustainable patterns of production, and consumption and its associated impact on human wellbeing;

CONVINCED that this Agreement will create a climate conducive to growth in sustainable economic relations between them, more particularly in the trade and investment sectors which are essential to the realisation of economic and social development and technological innovation and modernisation;

RECOGNISING that the provisions of this Agreement are intended to stimulate mutually- beneficial business activity, without undermining the right of the Parties to regulate in the public interest within their territories;

RECOGNISING the close relationship between innovation and trade, as well as the relevance of innovation for economic growth, and social development;

RECALLING the importance of the different agreements signed by the European Community/European Union and the Republic of Chile, that have fostered political dialogue and cooperation in the different sectoral areas of the relationship between the parties, as well as the increase in trade and investments;

HAVE AGREED AS FOLLOWS:

Chapter 1. GENERAL PROVISIONS

Article 1.1. Establishment of a Free Trade Area

The Parties to this Agreement hereby establish a free trade area, in conformity with Article XXIV of GATT 1994 and Article V of GATS.

Article 1.2. Objectives

The objectives of this Agreement are:

(a) the expansion and the diversification of trade in goods, in conformity with Article XXIV of GATT 1994, between the Parties, through the reduction or the elimination of tariff and non-tariff barriers to trade;

(b) the facilitation of trade in goods, in particular, through, the agreed provisions regarding customs and trade facilitation, standards, technical regulations and conformity assessment procedures as well as sanitary and phytosanitary measures, while preserving the right of the Parties to regulate to achieve public policy objectives;

(c) the liberalisation of trade in services, in conformity with Article V of GATS;

(d) the development of a climate conducive to increased investment flows, the improvement of the conditions of establishment on the basis of the principle of non-discrimination while preserving each Party's right to adopt and enforce measures necessary to pursue legitimate policy objectives;

(e) the facilitation of trade and investment among the Parties including through the free transfer of current payments and capital movements;

(f) the effective and reciprocal opening of government procurement markets of the Parties;

(g) the promotion of innovation and creativity by ensuring an adequate and effective protection of all intellectual property rights, in accordance with international obligations applicable between the Parties;

(h) the promotion of conditions fostering undistorted competition in the economic activities, in particular with regard to trade and investment between them;

(i) the development of international trade in a way as to contribute to sustainable development in its economic, social and environmental dimensions;

(j) the establishment of an effective, fair and predictable dispute settlement mechanism to solve disputes on the interpretation and application of this Agreement.

Article 1.3. Definitions of General Application

Unless otherwise specified, for the purposes of this Agreement, the below terms shall have the following meaning:

(a) "Antidumping Agreement" means the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade, contained in Annex 1A to the WTO Agreement;

(b) "Agreement on Agriculture" means the Agreement on Agriculture, contained in Annex 1A to the WTO Agreement;

(c) "Agricultural good" means a product listed in Annex 1 to the Agreement on Agriculture;

(d) "Customs duty" means any duty or charge of any kind imposed on or in connection with the importation of a good, not including any:

(i) charge equivalent to an internal tax imposed in accordance with Article X.4 (National Treatment on Internal Taxation and Regulation) of the Trade in Goods Chapter;

(ii) anti-dumping, special safeguard, countervailing or safeguard duty applied in conformity with the GATT 1994, the Anti-dumping Agreement, the Agreement on Agriculture, the Agreement on Subsidies and Countervailing Measures and the Agreement on Safeguards, as appropriate; and

(iii) fee or other charge imposed on or in connection with importation that is limited in amount to the approximate cost of the services rendered.

(e) "CPC" means the Provisional Central Product Classification (Statistical Papers Series M No.77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991);

(f) "Days" means calendar days, including weekends and holidays;

(g) "Existing" means in effect on the date of entry into force of this Agreement;

(h) "GATS" means the General Agreement on Trade in Services, contained in Annex 1B to the WTO Agreement;

(i) "GATT 1994" means the General Agreement on Tariffs and Trade 1994, contained in Annex 1A to the WTO Agreement;

(j) "Good of a Party" means a domestic good as that is understood in the GATT 1994, and includes originating goods of that Party;

(k) "Harmonized System" or "HS" means the Harmonized Commodity Description and Coding System, including its General Rules of Interpretation, Section Notes, and Chapter Notes developed by the WCO;

(l) "Heading" means the first four digits in the tariff classification number under the Harmonized System;

(m) "Juridical person" means any legal entity duly constituted or otherwise organised under applicable law, whether for profit or otherwise, and whether privately-owned or governmentally-owned, including any corporation, trust, partnership, joint venture, sole proprietorship or association;

(n) "Measure" includes any measure by a Party, whether in the form of a law, regulation, rule, procedure, decision, administrative action, requirement, practice or any other form;

(o) "Measures of a Party" means any measures adopted or maintained by: (1)

(i) governments and authorities at all levels;

(ii) non-governmental bodies in the exercise of powers delegated by governments or authorities at all levels; (2) or

(iii) any entity which is in fact acting on the instructions of or under the direction or the control of a Party with regard to the measure; (3)

(p) "Natural person of a Party" means, for the European Union, a national of a Member State of the European Union, and for Chile, a national of Chile, in accordance with their respective applicable legislation (4);

(q) "Person" means a natural person or a juridical person;

(r) "Safeguards Agreement" means the Agreement on Safeguards, contained in Annex 1A to the WTO Agreement;

(s) "Sanitary or phytosanitary measure" means any measure referred to in paragraph 1 of Annex A to the SPS Agreement;

(t) "SCM Agreement" means the Agreement on Subsidies and Countervailing Measures, contained in Annex 1A to the WTO Agreement;

(u) "SPS Agreement" means the Agreement on the Application of Sanitary and Phytosanitary Measures, contained in Annex 1A to the WTO Agreement;

(v) "TBT Agreement" means the Agreement on Technical Barriers to Trade, contained in Annex 1 to the WTO Agreement;

(w) "Third country" means a country or territory outside the territorial scope of application of this Agreement;

(x) "TRIPS Agreement" means the Agreement on Trade-Related Aspects of Intellectual Property Rights, contained in Annex 1C to the WTO Agreement

(y) "Vienna Convention on the Law of Treaties" means the Vienna Convention on the Law of Treaties, done at Vienna on 23 May 1969; and

(z) "WTO Agreement" means the Marrakesh Agreement Establishing the World Trade Organization, done at Marrakesh on 15 April 1994.

(1) For greater certainty, "measure" includes a Party's omissions to take actions that are necessary to fulfil its obligations under the Agreement.

(2) For greater certainty, the obligations of a Party under this Agreement shall apply to a State-owned enterprise or another person when it exercises any regulatory or administrative authority or other governmental authority delegated to them by that Party, such as the authority to expropriate, issue licences, approve commercial transactions or impose quotas, fees or other charges.

(3) For greater certainty, if a Party claims that an entity is acting as referred to in subparagraph (ii) such Party bears the burden of proof and at least must provide solid indicia.

(4) For the purposes of the Investment and Trade in Services Chapter, the definition of a "natural person of a Party" also includes a natural person permanently residing in the Republic of Latvia who is not a citizen of the Republic of Latvia or any other state but who is entitled, under the laws and regulations of the Republic of Latvia, to receive a non-citizen passport.

Article 1.4. Relation to the WTO Agreement and other Agreements

1. The Parties affirm their rights and obligations with respect to each other under the WTO Agreement and other agreements to which they are party.

2. Nothing in this Agreement shall be construed as requiring either Party to act in a manner inconsistent with its obligations under the WTO Agreement.

3. In the event of any inconsistency between this Agreement and any agreement other than the WTO Agreement to which both Parties are party, the Parties shall immediately consult with each other with a view to finding a mutually satisfactory solution.

Article 1.5. References to Laws and other Agreements

1. Unless otherwise provided, where reference is made in this Agreement to laws and regulations of a Party, those laws and regulations shall be understood to include amendments thereto.

2. Unless otherwise provided in this Agreement, where international agreements are referred to or incorporated into this Agreement, in whole or in part, they shall be understood to include amendments thereto or their successor agreements entering into force for both Parties on or after the date of signature of this Agreement. If any matter arises regarding the implementation or application of the provisions of this Agreement as a result of such amendments or successor agreements, the Parties may, on request of either Party, consult with each other with a view to finding a mutually satisfactory solution to this matter as necessary.

Article 1.6. Fulfilment of Obligations

1. The Parties shall take any general or specific measures required to fulfil their obligations under this Agreement.

2. If either Party considers that the other Party has failed to fulfil any of the obligations that are described as essential elements in Article 2.2, Article 4.1 of the Advanced Framework Agreement, it may take appropriate measures pursuant to the provisions in Article XX para 2 and 4 of the Advanced Framework Agreement [fulfilment of obligations]. For the purpose of this paragraph, "appropriate measures" may include the suspension, in part or in full, of this Agreement.

3. The right conferred by this paragraph may be exercised by either Party, irrespective of whether the relevant provisions of the Advanced Framework Agreement have entered into force or are being applied provisionally.

Chapter 2. TRADE IN GOODS

Article 2.1. Objective

The Parties shall progressively and reciprocally liberalise trade in goods in accordance with the provisions of this Agreement.

Article 2.2. Scope

Except as otherwise provided in this Agreement, this Chapter applies to trade in goods of a Party.

Article 2.3. Definitions

For the purposes of this Chapter, the following definitions shall apply:

(a) "consular transactions" means the procedure of obtaining from a consul of the importing Party in the territory of the exporting Party, or in the territory of a third party, a consular invoice or a consular visa for a commercial invoice, certificate of origin, manifest, shipper's export declaration or any other customs documentation in connection with the importation of the good;

(b) "Customs Valuation Agreement" means the Agreement on Implementation of Article VII of GATT 1994 contained in Annex 1A to the WTO Agreement;

(c) "customs duty" means any duty or charge of any kind imposed on or in connection with the importation of a good. A "customs duty" does not include any:

(i) charge equivalent to an internal tax imposed consistently with Article 2.4 (National Treatment on Internal Taxation and Regulation);

(ii) anti-dumping, special safeguard, countervailing or safeguard duty applied in conformity with the GATT 1994, the Anti-dumping Agreement, the Agreement on Agriculture, the Agreement on Subsidies and Countervailing Measures and the Agreement on Safeguards, as appropriate; and

(iii) fee or other charge imposed on or in connection with importation that is limited in amount to the approximate cost of the services rendered.

(d) "good of a Party" means a domestic good as this is understood in the GATT 1994, and includes originating goods.

(e) "Harmonized System" means the Harmonized Commodity Description and Coding System, including all legal notes and amendments thereto developed by the World Customs Organization (the "HS").

(f) "Import Licensing Procedure" means an administrative procedure requiring the submission of an application or other documentation (other than that generally required for customs clearance purposes) to the relevant administrative body or bodies as a prior condition for importation into the territory of the importing Party.

(g) "Export Licensing Procedures" means an administrative procedure requiring the submission of an application or other documentation (other than that generally required for customs clearance purposes) to the relevant administrative body or bodies as a prior condition for exportation from the territory of the exporting Party.

(h) "Repair" means any processing operation undertaken on a good to remedy operating defects or material damage and entailing the re-establishment of the good to its original function or to ensure compliance with technical requirements for its use, without which the good could no longer be used in the normal way for the purposes for which they were intended. Repair of goods includes restoration and maintenance but does not include an operation or process that:

(i) destroys the essential characteristics of a good, or creates a new or commercially different good;

(ii) transforms an unfinished good into a finished good; or

(iii) is used to improve or upgrade the technical performance of goods.

(i) "Remanufactured good" means a good classified in HS Chapters 84 through 90 or under heading 94.02 except goods

classified under HS headings 84.18, 85.09, 85.10, 85.16 and 87.03 or subheadings 8414.51, 8450.11, 8450.12, 8508.11, and 8517.11 that:

(a) is entirely or partially comprised of parts obtained from goods that have been used;

(b) has similar performance and working conditions compared to the equivalent good in new condition; and

(c) is given the same warranty as the equivalent good in new condition.

(j) "Originating good" means a good qualifying under the rules of origin set out in Chapter 3 (Rules of origin and origin procedures).

(k) "Staging category" means the timeframe for the elimination of customs duties ranging from 0 to 7 years, after which a good is free of customs duty (unless otherwise specified in the Schedules).

Article 2.4. National Treatment on Internal Taxation and Regulation

Each Party shall accord national treatment to the goods of the other Party in accordance with Article III of the GATT 1994, including its Notes and Supplementary Provisions. To this end, Article II of the GATT 1994 and its Notes and Supplementary Provisions are incorporated into and made part of this Agreement, mutatis mutandis.

Article 2.5. Elimination of Customs Duties

1. Except as otherwise provided for in this Agreement, each Party shall reduce or eliminate customs duties on goods originating in the other Party in accordance with its Schedule in Annex [X-x] (Tariff Elimination Schedules).

2. For the purpose of paragraph 1, the base rate of customs duties shall be the one specified for each good in the Schedules in Annex [X-x] (Tariff Elimination Schedules).

3. If a Party reduces its applied most favoured nation customs duty rate, the Schedule in Annex [X-x] (Tariff Elimination Schedules) of that Party shall apply to the reduced rates. If a Party lowers a MEN applied rate to a level below the base rate in relation to a particular tariff line, the Party shall calculate the preferential applicable rate effecting the tariff reduction on the lowered MFN applied rate, maintaining the relative margin of preference for that particular tariff line for as long as the MFN applied rate is lower than the base rate. The relative margin of preference for any given tariff line in each staging period corresponds to the difference between the base rate set out in the Schedule and the applied duty rate for that tariff line in accordance with the Schedule, divided by that base rate; and expressed in percentage terms.

4. On the request of a Party, the Parties shall consult to consider accelerating the reduction or elimination of customs duties set out in the Schedules in Annex [X-x] (Tariff Elimination Schedules). The [Trade Committee] may take a decision to amend Annex [X-x] (Tariff Elimination Schedules) to accelerate the tariff reduction or elimination.

Article 2.6. Standstill

1. Except as otherwise provided in this Agreement, no Party shall increase any customs duty set as base rate in Annex [X-x] (Tariff Elimination Schedule) or adopt any new customs duty on a good originating in the other Party.

2. For greater certainty, a Party may raise a customs duty to the level set out in Annex [X-x] (Tariff Elimination Schedule) for the respective staging period following a unilateral reduction.

Article 2.7. Export Duties, Taxes or other Charges

1. No Party shall introduce or maintain any duty, tax or other charge of any kind imposed on, or in connection with, the exportation of a good to the other Party; or any internal tax or other charge on a good exported to the other Party that is in excess of the tax or charge that would be imposed on like goods when destined for domestic consumption.

2. Nothing in this Article shall prevent a Party from imposing on the exportation of a good a fee or charge that is permitted under Article 2.8 (Fees and Formalities).

Article 2.8. Fees and Formalities

1. Fees and other charges imposed by a Party on or in connection with importation or exportation of a good of the other Party shall be limited in amount to the approximate cost of services rendered, and shall not represent an indirect protection

to domestic goods or taxation of imports or exports for fiscal purposes.

2. No Party shall levy fees or other charges on or in connection with importation or exportation on an ad valorem basis.

3. Each Party may impose charges or recover costs only where specific services are rendered, including the following:

(a) attendance, where requested, by customs staff outside official office hours or at premises other than customs premises;

(b) analyses or expert reports on goods and postal fees for the return of goods to an applicant, particularly in respect of decisions relating to binding information or the provision of information concerning the application of the customs legislation;

(c) the examination or sampling of goods for verification purposes, or the destruction of goods, where costs other than the cost of using customs staff are involved: or

(d) exceptional control measures, where these are necessary due to the nature of the goods or to a potential risk.

4. Each Party shall promptly publish all fees and charges it imposes in connection with importation or exportation in such a manner as to enable governments, traders and other interested parties, to become acquainted with them.

5. No Party shall require consular transactions, including related fees and charges, in connection with the importation of any good of the other Party.

Article 2.9. Repaired Goods

1. No Party shall apply a customs duty to a good, regardless of its origin, that re-enters the Party's customs territory after that good has been temporarily exported from its customs territory to the customs territory of the other Party for repair. (1)

2. Paragraph 1 does not apply to a good imported in bond, into free trade zones, or in similar status, that is then exported for repair and is not re-imported in bond, into free trade zones, or in similar status.

3. No Party shall apply a customs duty to a good, regardless of its origin, imported temporarily from the customs territory of the other Party for repair.(2)

(1) In the EU, the outward processing procedure as laid down in Regulation (EU) No 952/2013 is used for the purpose of this paragraph.

(2) In the EU, the inward processing procedure as laid down in Regulation (EU) No 952/2013 is used for the purpose of this paragraph.

Article 2.10. Remanufactured Goods

1. Unless otherwise provided for in this agreement no Party shall accord to remanufactured goods of the other Party a treatment that is less favourable than that it accords to like goods in new condition.

2. For greater certainty, Article 2.11 (Import and Export Restrictions) applies to import and export prohibitions or restrictions on remanufactured goods. If a Party adopts or maintains import and export prohibitions or restrictions to used goods, it shall not apply those measures to remanufactured goods.

3. A Party may require that remanufactured goods be identified as such for distribution or sale in its territory and that they meet all applicable technical requirements that apply to like goods in new condition.

Article 2.11. Import and Export Restrictions

Article XI of the GATT 1994 and its notes and supplementary provisions are incorporated into and made part of this agreement, mutatis mutandis. Accordingly, no Party shall adopt or maintain any prohibition or restriction on the importation of any good of the other Party or on the exportation or sale for export of any good destined for the territory of the other Party, except in accordance with Article XI of GATT 1994, including its notes and supplementary provisions.

Article 2.12. Origin Marking

Where Chile applies mandatory country of origin marking requirements to products of the Union, the Association

Committee may decide that products marked "Made in EU", or bearing a similar marking in the local language, fulfill such requirements upon importation into Chile. This article does not affect each party's right to specify the type of products for which origin marking requirements are mandatory. Chapter 3 (Rules of origin and origin procedures) does not apply to this Article.

Article 2.13. Import Licensing Procedures

1. Each Party shall ensure that all import licensing procedures applicable to trade in goods between the Parties are neutral in application, and are administered in a fair, equitable, non-discriminatory and transparent manner.

2. A Party shall only adopt or maintain licensing procedures as a condition for importation into its territory from the territory of the other Party, if other appropriate procedures to achieve an administrative purpose are not reasonably available.

3. A Party shall not adopt or maintain any non-automatic import licensing procedure, as a condition for importation into its territory from the territory of the other Party, unless it is necessary to implement a measure that is consistent with this Agreement. A Party adopting such non-automatic import licensing procedure shall indicate clearly to the other Party the measure being implemented through that procedure.

4. Each Party shall adopt and administer any import licensing procedures in accordance with Articles 1 to 3 of the WTO Agreement on Import Licensing Procedures. To this end, Articles 1 to 3 of the Agreement on Import Licensing Procedures are incorporated into and made part of this Agreement, mutatis mutandis.

5. A Party that institutes licensing procedures, or changes to existing licensing procedures, shall notify the other Party of such within 60 days of publication. The notification shall include the information specified in paragraph 3 above and Article 5(2) of the Agreement on Import Licensing Procedures. A Party shall be deemed to be in compliance with this provision if it has notified the relevant import licensing procedure, or any modifications thereof, to the Committee on Import Licensing provided for in Article 4 of the Import Licensing Agreement, including the information specified in Article 5(2) of that Agreement.

6. Upon request of a Party, the other Party shall promptly provide any relevant information, including the information specified in Article 5(2) of the Agreement on Import Licensing Procedures, regarding any import licensing procedure that it intends to adopt, has adopted or maintains, or changes to existing licensing procedures.

Article 2.14. Export Licensing Procedures

1. Each Party shall publish any new export licensing procedure, or any modification to an existing export licensing procedure, in such a manner as to enable governments, traders and other interested parties to become acquainted with them. Such publication shall take place, whenever practicable, 30 days before the procedure or modification takes effect, and in all events no later than the date such procedure or modification takes effect.

2. The publication of export licensing procedures shall include the following information:

(a) the texts of its export licensing procedures, or of any modifications it makes to those procedures;

(b) the goods subject to each licensing procedure;

(c) for each procedure, a description of the process for applying for a license and any criteria an applicant must meet to be eligible to apply for a license, such as possessing an activity license, establishing or maintaining an investment, or operating through a particular form of establishment in a Party's territory;

(d) a contact point or points from which interested persons can obtain further information on the conditions for obtaining an export license;

(e) the administrative body or bodies to which an application or other relevant documentation should be submitted;

(f) a description of any measure or measures that the export licensing procedure is designed to implement;

(g) the period during which each export licensing procedure will be in effect, unless the procedure will remain in effect until withdrawn or revised in a new publication;

(h) if the Party intends to use a licensing procedure to administer an export quota, the overall quantity and, if applicable, the value of the quota and the opening and closing dates of the quota; and

(i) any exemptions or exceptions that replace the requirement to obtain an export license, how to request or use those

exemptions or exceptions, and the criteria for granting them.

3. Within 30 days after the date of entry into force of this Agreement, each Party shall notify the other Party of its existing export licensing procedures. A Party that institutes new export licensing procedures, or changes to existing licensing procedures, shall notify the other Party of such within 60 days of publication. The notification shall include the reference to the source(s) where the information required in paragraph 2 is published and include, where appropriate, the address of the relevant government Internet website(s).

4. For greater certainty, nothing in this Article requires a Party to grant an export license, or prevents a Party from implementing its obligations or commitments under United Nations Security Council Resolutions, as well as under multilateral non-proliferation regimes and export control arrangements.

Article 2.15. Customs Valuation

Each Party shall determine the customs value of goods of the other Party imported into their territory in accordance with Article VII of the GATT 1994 and the Customs Valuation Agreement. To this end, Article VII of the GATT 1994, including its Notes and Supplementary Provisions, and Articles 1 to 17 of the Customs Valuation Agreement, including its Interpretative Notes, are incorporated into and made part of this Agreement, mutatis mutandis.

Article 2.16. Preference Utilisation

1. For the purpose of monitoring the functioning of the Agreement and calculating preference utilisation rates, the Parties shall annually exchange import statistics for a period starting one year after the entry into force of this Agreement until 10 years after the tariff elimination is completed for all goods according to the Schedules in Annex [X-x] (Tariff Elimination Schedules). Unless the [Trade Committee] decides otherwise, this period shall be automatically extended for five years, and thereafter this Committee may decide to subsequently extend it.

2. The exchange of import statistics shall cover data pertaining to the most recent year available, including value and, where applicable, volume, at the tariff line level for imports of goods of the other Party benefitting from preferential duty treatment under this Agreement and those that received non-preferential treatment.

Article 2.17. Specific Measures Concerning the Management of Preferential Treatment

1. The Parties shall co-operate in preventing, detecting and combating breaches in customs legislation related to the preferential treatment granted under this [Title/Chapter], in accordance with their obligations under the Chapter on Rules of Origin and the Protocol on Mutual Administrative Assistance in Customs Matters.

2. A Party may, in accordance with the procedure laid down in paragraph 3, temporarily suspend the relevant preferential treatment of the product(s) concerned when that Party has made a finding, based on objective, compelling and verifiable information, that large-scale systematic breaches in customs legislation in order to obtain the preferential treatment granted under this [Title/Chapter] have been committed, and:

(a) asystematic lack or inadequacy of action by the other Party in verifying the originating status of products and the fulfilment of the other requirements of the Protocol on Mutual Administrative Assistance in Customs Matters, when identifying or preventing contravention of the rules of origin;

(b) asystematic refusal or undue delay by the other Party to carry out subsequent verification of the proof of origin at the request of the other Party, and to communicate its results in time; or

(c) a systematic refusal or failure by the other Party to cooperate and assist in compliance with its obligations under the MAA protocol in relation with the preferential tariff treatment.

3. The Party which has made a finding referred to in paragraph 2 shall, without undue delay, notify the [Trade Committee] thereof and enter into consultations with the other Party within the [Trade Committee] with a view to reaching a solution acceptable to both Parties.

Where the Parties fail to agree on a mutually acceptable solution within three months after the date of notification, the Party, which has made the finding may decide to suspend temporarily the relevant preferential treatment of the product(s) concerned. A temporary suspension shall be notified to the Committee without delay.

The temporary suspensions shall apply only for a period necessary to protect the financial interests of the Party concerned, and not for longer than six months. Where the conditions that gave rise to the initial suspension persist at the expiry of the

six- month period, the Party concerned may decide to renew the suspension. Any suspension shall be subject to periodic consultations within the [Trade Committee].

4. Each Party shall publish, in accordance with its internal procedures, notices to importers about any notification and decision concerning temporary suspensions referred to in paragraph 3.

Article 2.18. Sub-Committee on Trade In Goods

The Sub--Committee on Trade in Goods established by Article X.4 (1) (Sub-Committees of the Trade Title of this Agreement) shall:

(a) monitor the implementation and administration of this Chapter and its Annexes;

(b) promote trade in goods between the Parties, including through consultations on improving market access tariff treatment under Article 2.5(4) and other issues, as appropriate;

(c) provide a forum to discuss and resolve any issues related to this Chapter;

(d) promptly address barriers to trade in goods between the Parties, especially those related to the application of non-tariff measures and, if appropriate, referring such matters to the Trade Committee for its consideration;

(e) recommend to the Trade Committee any modification of or addition to this Chapter;

(f) coordinate the data exchange for preference utilisation or any other information exchange on trade in goods between the Parties that it may decide;

(g) review any future amendments of the Harmonized System to ensure that each Party's obligations under this Agreement are not altered, and consulting to resolve any related conflict;

(h) Perform the functions set out in Article [Role of the Trade in Goods Sub- Committee] of the Energy and Raw Materials Chapter

(i) perform any other functions that the Trade Committee may assign to it.

Chapter 3. RULES OF ORIGIN AND ORIGIN PROCEDURES

Section A. Rules of Origin

Article 3.1. Definitions

For the purposes of this [Chapter]:

(a) "classified" refers to the classification of a product or material under a particular chapter, heading, or sub-heading of the Harmonized System;

(b) "consignment" means products which are either sent simultaneously from one exporter to one consignee or covered by a single transport document covering their shipment from the exporter to the consignee or, in the absence of such a document, by a single invoice;

(c) "customs authority" means:

- in Chile, the National Customs Service; and

- in the European Union, the services of the European Commission responsible for customs matters and the customs administrations and any other authorities responsible in the Member States of the European Union for the application and enforcement of customs legislation;

(d) "exporter" means a person, located in a Party, who, in accordance with the requirements laid down in the laws and regulations of the Party, exports or produces the originating product and makes out a statement on origin;

(e) "identical products" means products which correspond in every respect to those described in the product description. The product description on the commercial document used for making out a statement on origin for multiple shipments must be precise enough to clearly identify that product but also the identical products to be subsequently imported based on that statement;

(f) "importer" means a person who imports the originating product and claims preferential tariff treatment for it;

(g) "material" means any substance used in the production of a product, including any ingredients, raw materials, components or parts;

(h) "product" means the product resulting from the production, even if it is intended for later use as a material in the production of another product;

(i) "production" means any kind of working or processing including assembly.

Article 3.2. General Requirements

1. For the purpose of applying the preferential tariff treatment by a Party to an originating good of the other Party in accordance with this Agreement, provided that the products satisfy all other applicable requirements of this [Chapter], the following products shall be considered as originating in a Party:

(a) products wholly obtained in that Party as provided for in Article 3.4 [Wholly obtained products];

(b) products produced exclusively from materials originating in that Party; or

(c) products produced using non-originating materials provided they satisfy the requirements set out in Annex II (Product-Specific Rules of Origin).

2. If a product has acquired originating status, the non-originating materials used in the production of that product shall not be considered non-originating when that product is incorporated as a material in another product.

3. The acquisition of originating status shall be fulfilled without interruption in the territory of a Party.

Article 3.3. Cumulation of Origin

1. A product originating in a Party shall be considered as originating in the other Party if used as a material in the production of another product in the other Party, provided that the working and processing carried out goes beyond one or more of the operations referred to in Article 3.6 [Insufficient working or processing] of this [Chapter].

2. Materials classified in Chapter 3 of the Harmonized System originating in the countries referred to in point b) of paragraph 4 and used in the production of canned tuna products classified in subheading 1604.14, may be considered as originating in a Party provided that the conditions in points a) to e) of paragraph 3 are fulfilled, and a notification is sent by that Party for examination by [the Special Committee on Customs, Trade Facilitation and Rules of Origin].

3. The Parties may also decide in the [Trade Committee] following a recommendation by the [Special Committee on Customs, Trade Facilitation and Rules of Origin] that certain materials originating in the third countries specified in paragraph 4 may be considered as originating in a Party if used in the production of a product in that Party, provided that:

(a) each Party has a trade agreement in force that forms a free-trade area with that third country, within the meaning of Article XXIV of GATT 1994;

(b) the origin of the materials referred to in this paragraph is determined in accordance with the rules of origin applicable under,

i) the European Union's trade agreement with that third country, when that material is used in the production of product in Chile,

ii) Chile's trade agreement with that third country, when that material is used in the production of product in the European Union;

(c) an arrangement is in force between the Party and that third country on adequate administrative cooperation ensuring full implementation of this [Chapter] including provisions on the use of appropriate documentation on the origin of materials, and that Party notifies the other Party of the arrangement;

(d) the production or processing of the materials undertaken in a Party goes beyond one or more of the operations referred to in Article 3.6 (Insufficient working or processing) of this [Chapter]; and

(e) the Parties agree on any other applicable conditions.

4. The specified third countries are those of:

a) the Central American countries of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama, and

b) the Andean countries of Colombia, Ecuador and Peru.

Article 3.4. Wholly Obtained Products

1. The following products shall be considered as wholly obtained in a Party:

(a) plants and vegetable products grown or harvested there;

(b) live animals born and raised there;

(c) products obtained from live animals raised there;

(d) products obtained from hunting, trapping, fishing, gathering or capturing there;

(e) products obtained from slaughtered animals born and raised there;

(f) products obtained from aquaculture there, where aquatic organisms, including fish, molluscs, crustaceans, other aquatic invertebrates and aquatic plants are born or raised from seed stock such as eggs, roes, fry, fingerlings or larvae, by intervention in the rearing or growth processes to enhance production such as regular stocking, feeding or protection from predators;

(g) minerals or other naturally occurring substances, not included in subparagraphs (a) through (f), extracted or taken there;

(h) products of sea fishing and other products taken from the sea outside any territorial sea by a vessel of a Party;

(i) products made aboard a factory ship of a Party exclusively from products teferred to in (h);

(j) products extracted from marine soil or subsoil outside any territorial sea provided that they have rights to work that soil or subsoil;

(k) waste or scrap derived from production there or from used products collected there, provided that those products are fit only for the recovery of raw materials; and

(l) products produced there exclusively from those products specified in subparagraphs (a) to (k).

2. The terms "vessel of a Party" and "factory ship of a Party" in subparagraph 1(h) and (i) mean a vessel and factory ship, which:

(a) is registered in a Member State of the European Union or in Chile;

(b) sails under the flag of a Member State of the European Union or of Chile;

(c) meets one of the following conditions:

(i) it is more than 50% owned by nationals of a Member State of the European Union or of Chile; or

(ii) it is owned by legal persons:

- which have their head office and their main place of business in a Member State of the European Union or Chile, and

- which are more than 50% owned by persons of one of those Parties.

Article 3.5. Tolerances

1. If a non-originating material used in the production of a product does not satisfy the requirements set out in Annex II [Product-Specific Rules of Origin], that product shall be considered as originating in a Party, provided that:

(a) the total value of non-originating materials for all products (1), except for products falling within Chapters 50 to 63 of the Harmonized System, shall not exceed 10% of the ex-works ptice of the product;

(b) for a product classified under Chapters 50 to 63 of the Harmonized System, tolerances apply as stipulated in Notes 6 to 8 of Annex I [Introductory Notes to the Product-Specific Rules of Origin].

2. Paragraph 1 does not apply if the value or weight of non-originating materials used in the production of a product exceeds any of the percentages for the maximum value or weight of non-originating materials as specified in the

requirements set out in Annex II [Product- Specific Rules of Origin].

3. Paragraph 1 does not apply to products wholly obtained in a Party within the meaning of Article 3.4. If Annex If [Product-Specific Rules of Origin] requires that the materials used in the production of a product are wholly obtained, paragraphs 1 and 2 shall apply.

(1) For Chapters 1-24 of the Harmonized System, see Note 9 of Annex I [Introductory notes to the Product Specific Rules of Origin]

Article 3.6. Insufficient Working or Processing

1. Notwithstanding Subparagraph 1(c) of Article 3.2, a product shall not be considered as originating in a Party if solely one or more of the following operations are conducted on non- originating materials in the production of that product in that Party:

(a) preserving operations such as drying, freezing, keeping in brine and other similar operations with the sole purpose is to ensure that the products remain in good condition during transport and storage;

(b) breaking-up and assembly of packages;

(c) washing, cleaning; removal of dust, oxide, oil, paint or other coverings;

(d) ironing or pressing of textiles and textile articles;

(e) simple painting and polishing operations;

(f) husking and partial or total milling of rice; polishing and glazing of cereals and rice;

(g) operations to colour or flavour sugar or form sugar lumps; partial or total milling of crystal sugar in solid form;

(h) peeling, stoning and shelling, of fruits, nuts and vegetables; (i) sharpening, simple grinding or simple cutting; Qj) sifting, screening, sorting, classifying, grading or matching;

(k) simple placing in bottles, cans, flasks, bags, cases, boxes, fixing on cards or boards and all other simple packaging operations;

() affixing or printing marks, labels, logos and other like distinguishing signs on products or their packaging;

(m)simple mixing of products, whether or not of different kinds; mixing of sugar with any material;

(n) simple assembly of parts of articles to constitute a complete article or disassembly of products into parts;

(0) simple addition of water or dilution or dehydration or denaturation of products; (p) slaughter of animals. For the purpose of paragraph 1, operations shall be considered simple if neither

special skills nor machines, apparatus or equipment especially produced or installed are needed for carrying out those operations.

Article 3.7. Unit of Qualification

1. For the purposes of this [Chapter], the unit of qualification shall be the particular product which is considered as the basic unit when classifying the product under the Harmonized System.

2. When a consignment consists of a number of identical products classified under the same heading of the Harmonized System, each individual product shall be taken into account when applying the provisions of this [Chapter].

Article 3.8. Accessories, Spare Parts and Tools

Accessories, spare parts and tools dispatched with a piece of equipment, machine, apparatus or vehicle, which are part of the normal equipment and included in the price thereof or which are not separately invoiced, shall be regarded as one with the piece of equipment, machine, apparatus or vehicle in question.

They shall be disregarded in determining the origin of the product except for the purposes of calculating the maximum value of non-originating materials if a product is subject to a maximum value of non-originating materials set out in Annex II

[Product Specific Rules of Origin].

Article 3.9. Sets

Sets, as defined in General Rule 3 for the Interpretation of the Harmonized System, shall be regarded as originating in a Party if all their components of the set are originating products. When a set is composed of originating and non-originating products, the set as a whole shall be regarded as originating in a Party, provided that the value of the non- originating products does not exceed 15 per cent of the ex-works price of the set.

Article 3.10. Neutral Elements

In order to determine whether a product is originating in a Party, it shall not be necessary to determine the origin of the following which might be used in its manufacture: (a) fuel, energy, catalysts and solvents; (b) equipment, devices, and supplies used for testing or inspecting the products; (c) machines tools, dies and moulds; (d) spare parts and materials used in the maintenance of equipment and buildings;

(e) lubricants, greases, compounding materials and other materials used in production or used to operate equipment and buildings;

(f) gloves, glasses, footwear, clothing, safety equipment and supplies; and

(g) any other material that is not incorporated into the product but the use of which in the production of the product can be demonstrated to be part of that production.

Article 3.11. Packaging and Packing Materials

1. Where, under General Rule 5 for the Interpretation of the Harmonized System, packaging materials and containers in which a product is packed for retail sale, is included with the product for classification purposes, it shall be disregarded in determining the origin of the product, except for the purposes of calculating the maximum value of non-originating materials if a product is subject to a maximum value of non-originating materials in accordance with Annex II [Product Specific Rules of Origin].

2. Packing materials and containers for shipment that are used to protect a product during transportation shall be disregarded in determining whether a product is originating in a Party.

Article 3.12. Accounting Segregation for Fungible Materials

1. Fungible originating and non-originating materials shall be physically segregated during storage in order to maintain their originating and non-originating status, as the case may be. These materials may be used in the production of a product without being physically segregated provided an accounting segregation method is used.

2. The accounting segregation method referred to in paragraph 1 shall be applied in conformity with a stock management method under accounting principles which are generally accepted in the Party. The accounting segregation method shall ensure that at any time the number of products which could be considered as originating in a Party is no more than the number that would have been obtained by physical segregation of the stocks.

3. For the purpose of paragraph 1, "fungible materials" means materials that are of the same kind and commercial quality, with the same technical and physical characteristics, and which cannot be distinguished from one another once they are incorporated into the finished product.

Article 3.13. Returned Products

If a product originating in a Party exported from that Party to a third country returns to that Party, it shall be considered as non-originating, unless it can be demonstrated to the satisfaction of the customs authority of that Party that the returning product:

a) is the same as that exported; and

b) has not undergone any operation other than that necessary to preserve it in good condition while in that third country or while being exported.

Article 3.14. Non Alteration

1. An originating product declared for home use in the importing Party shall not, after exportation and prior to being declared for home use, have been altered, transformed in any way or subjected to operations other than to preserve them in good condition or than adding or affixing marks, labels, seals or any other documentation to ensure compliance with specific domestic requirements of the importing Party.

2. Storage or exhibition of a product may take place in a non-Party provided it remains under customs supervision in that non-Party.

3. Without prejudice to the provisions of Section B, the splitting of consignments may take place in the territory of a non-Party if it is carried out by the exporter or under his responsibility and provided they remain under customs supervision in the non-Party.

4. In case of doubt as to whether the conditions provided for in paragraphs 1 to 3 are complied with the customs authority of the importing Party may request the importer to provide evidence of compliance, which may be given by any means, including contractual transport documents such as bills of lading or factual or concrete evidence based on marking or numbering of packages or any evidence related to the product itself.

Article 3.15. Exhibitions

1. Originating products, sent for exhibition in a non-Party and sold after the exhibition for importation in a Party shall benefit on importation from the provisions of this Agreement provided it is shown to the satisfaction of the customs authorities that:

(a) an exporter has consigned these products from a Party to the non-Party in which the exhibition is held and has exhibited them there;

(b) the products have been sold or otherwise disposed of by that exporter to a person in a Party;

(c) the products have been consigned during the exhibition or immediately thereafter in the state in which they were sent for exhibition; and

(d) the products have not, since they were consigned for exhibition, been used for any purpose other than demonstration at the exhibition.

2. A statement on origin must be made out in accordance with the provisions of Section B and submitted to the customs authorities of the importing Party in the normal manner. The name and address of the exhibition must be indicated thereon.

3. Paragraph 1 shall apply to any trade, industrial, agricultural or crafts exhibition, fair or similar public show or display which is not organised for private purposes in shops or

business premises with a view to the sale of foreign products, and during which the products remain under customs control.

4. The customs authorities of the importing Party may require evidence that the products have remained under customs control in the country of exhibition, as well as additional documentary evidence of the conditions under which they have been exhibited.

Section B. Origin Procedures

Article 3.16. Claim for Preferential Tariff Treatment

1. The importing Party shall grant preferential tariff treatment to a product originating in the other Party within the meaning of this [Chapter] on the basis of a claim by the importer for preferential tariff treatment. The importer shall bear the responsibility for the correctness of the claim for preferential tariff treatment and for the compliance with the requirements provided for in this [Chapter].

2. The claim for preferential tariff treatment shall be based on either:

(a) a statement on origin made out by the exporter in accordance with Article 3.17 Statement on origin: or

(b) the importer's knowledge subject to the conditions set out in Article 3.19 [Importer's knowledge]

3. The claim for preferential tariff treatment shall be made in the customs declaration indicating one of the bases referred to in paragraph 2, in accordance with the laws and regulations of the importing Party.

4. The importer making a claim based on a statement on origin referred to in paragraph 2 (a) shall have the statement in its possession and shall, when required, provide such statement to the customs authority of the importing Party.

Article 3.17. Statement on Origin

1. A statement on origin shall be made out by an exporter of a product on the basis of information demonstrating that the product is originating, including, when applicable, information on the originating status of materials used in the production of the product.

2. The exporter shall bear the responsibility for the correctness of the statement on origin made out and the information provided and if he has reason to believe that it contains or is based on incorrect information, the exporter shall immediately notify, in writing, the importer

of any change affecting the originating status of the product. In this case, the importer shall correct the import declaration and pay any applicable customs duty owing.

3. A statement on origin shall be made out in one of the linguistic versions included in Annex If [Statement on Origin] on an invoice or on any other commercial document that describes the originating product in sufficient detail to enable its identification in the Harmonized System nomenclature. The importing Party shall not require the importer to submit a translation of the statement on origin.

4. A statement on origin shall be valid for one year from the date it was made out. 5. A statement on origin may apply to:

(a) a single shipment of one or more products into a Party; or

(b) multiple shipments of identical products into a Party within the period specified in the statement on origin not exceeding twelve months.

6. The importing Party shall, upon the request of the importer and subject to requirements it may provide, allow a single statement on origin to be used for unassembled or disassembled products within the meaning of General Rule 2(a) of the Harmonized System falling within Sections XV to XXI of the Harmonized System when imported by instalments.

Article 3.18. Discrepancies and Minor Errors

The customs authority of the importing Party shall not reject a claim for preferential tariff treatment due to minor errors or discrepancies in the statement on origin.

Article 3.19. Importer's Knowledge

1. The Importing Party may, through its laws and regulations, set conditions to determine those importers which may base a claim for preferential tariff treatment on the importerâs knowledge.

2. Notwithstanding paragraph 1, the importer's knowledge that a product is originating shall

be based on information demonstrating that the product is originating and satisfies the requirements provided for in this [Chapter].

Article 3.20. Record Keeping Requirements

1. An importer claiming preferential tariff treatment for a product imported into a Party shall:

(a) in case of a statement on origin, have in his possession the statement on origin made out by the exporter for a minimum of three years from the date of the claim of preference of the product; and

(b) in case of importer's knowledge, have in his possession the information demonstrating that the product satisfies the requirements to obtain originating status for a minimum of three years from the date of the claim of preference of the product.

2. An exporter who made out a statement on origin shall, for a minimum of four years following the making out of that statement on origin, have in his possession copies of statement on origins and all other records demonstrating that the

product satisfies the requirements to obtain originating status.

3. The records to be kept in accordance with this Article may be held in electronic form according to the domestic legislation of the importing or exporting Party, as appropriate.

Article 3.21. Exemptions from the Statement on Origin

1. Products sent as packages from private persons to private persons or forming part of travellers' personal luggage shall be admitted as originating products without requiring a statement on origin provided that such products are not imported by way of trade and have been declared as meeting the requirements of this [Chapter] and where there is no doubt as to the veracity of such a statement.

2. The imports which are occasional and consist solely of products for the personal use of the recipients or travellers or their families shall not be considered as imports by way of trade, if it is evident from the nature and quantity of the goods that no commercial purpose is intended, provided that the importation does not form part of a series of importations that may reasonably be considered to have been made separately for the purpose of avoiding the requirement for an statement on origin.

3. The total value of these products referred to in paragraph 1 shall not exceed EUR 500 or its equivalent amount in the Party's currency in the case of packages or, EUR 1 200 or its equivalent amount in the Party's currency in the case of products forming part of travellersâ personal luggage.

Article 3.22. Verification

1. The customs authority of the importing Party may conduct a verification whether a product is originating or the other requirements of this [Chapter] are met based on risk assessment methods, which may include random selection. Such verification may be conducted by means of a request for information to the importer who made the claim referred to in Article 3.16 [Claim for preferential tariff treatment].

2. Pursuant to paragraph 1 the customs authority of the importing Party shall not request more than the following information in relation to the origin of the product:

(a) if the claim was based on a statement on origin, that statement on origin; and

(b) information pertaining to the fulfilment of origin criteria, which is:

(i) "wholly obtained": the applicable category (such as harvesting, mining, fishing) and place of production;

(ii) based on change in tariff classification: a list of all the non-originating materials including their tariff classification (in 2, 4 or 6 digit format, depending on the origin criteria);

(iii) based on a value method: the value of the final product as well as the value of all the non-originating materials used in the production;

(iv) based on weight: the weight of the final product as well as the weight of the relevant non-originating materials used in the final product; and

(v) based on a specific production process: a description of that specific process.

3. When providing the requested information, the importer may add any other information that he considers relevant for the purpose of verification.

4. Where the claim for preferential tariff treatment is based on a statement on origin referred to in paragraph 2(a) of Article 3.16 [Claim for preferential tariff treatment] issued by the exporter, the importer shall provide that statement on origin but may reply to the customs authority of the importing Party that the information referred to in point (b) of paragraph 2 can not be provided.

5. Where the claim for preferential tariff treatment is based on the importer's knowledge referred to in paragraph 2(b) of Article 3.16 [Claim for preferential tariff treatment], after having first requested information pursuant to paragraph 1 of this Article, the customs authority of the importing Party conducting the verification may send a request for information to the importer when it considers that additional information is required for verifying the originating status of the product or whether the other requirements of this [Chapter] are met. The customs authority of the importing Party may request the importer for specific documentation and information, where appropriate.

6. If the customs authority of the importing Party decides to suspend the granting of preferential tariff treatment to the products concerned while awaiting the results of the verification, release of the products shall be offered to the importer. As a condition for such release, the Party may require a guarantee or other appropriate precautionary measure. Any suspension of preferential tariff treatment shall be terminated as soon as possible after the customs authority of the importing Party has ascertained the originating status of the products concerned, or the fulfilment of the other requirements of this [Chapter].

Article 3.23. Administrative Cooperation

1. In order to ensure the proper application of this [Chapter], the Parties shall cooperate with each other, through their respective customs authorities, in order to verify whether products are originating and whether the other requirements provided for in this [Chapter] are met.

2. Where the claim for preferential tariff treatment is based on a statement on origin referred to in paragraph 2 (a) of Article 3.16 [Claim for preferential tariff treatment], after having first requested information in accordance with paragraph 1 of Article 3.22 [Verification], the customs authority of the importing Party conducting the verification may also send a request for information to the customs authority of the exporting Party within a period of two years from the claim of preference, when the customs authority of the importing Party conducting the verification considers that it requires additional information for verifying the originating status of the product or whether the other requirements provided for in this [Chapter] are met. The customs authority of the importing Party may request the customs authority of the exporting Party for specific documentation and information, where appropriate.

3. The customs authority of the importing Party shall include the following information in the request referred to in paragraph 2 of this Article:

(i) the statement on origin or a copy thereof;

(ii) the identity of the customs authority issuing the request; (iii) the name of the exporter;

(iv) the subject and scope of the verification; and

(v) where applicable any relevant documentation.

4. The customs authority of the exporting Party may, in accordance with its laws and regulations, request documentation or examination by calling for any evidence, or by visiting the premises of the exporter, to review records and observe the facilities used in the production of the product.

5. The customs authority of the exporting Party following the request referred to in paragraph 2 shall provide to the customs authority of the Importing Party the following information:

(i) the requested documentation, where available;

(ii) an opinion on the originating status of the product;

(iii) the description of the product subject to examination and the tariff classification relevant to the application of the rules of origin;

(iv) a description and explanation of the production process to support the originating status of the product;

(v) information on the manner in which the examination of the originating status of the product was conducted; and

(vi) supporting documentation, where appropriate.

6. The customs authority of the exporting Party shall not transmit information to the customs authority of the importing Party referred to in paragraph 5 (i) or (vi) without the consent of the exporter.

7. All the information requested, supporting documents, and all other related information regarding verification should preferably be exchanged electronically between the customs authorities of the Parties.

8. The Parties shall provide each other, through the designated contact points of the Agreement, the contact details of their respective customs authorities and any modification thereof within thirty days after such modification.

Article 3.24. Mutual Assistance In the Fight Against Fraud

In case of a suspected breach of the provisions of this [Chapter], the Parties shall provide each other with mutual assistance, in accordance with the Protocol on Mutual Administrative Assistance in Customs matters.

Article 3.25. Denial of Preferential Tariff Treatment

1. Subject to the requirements in paragraph 3 to 5, the customs authority of the importing Party may deny a claim for preferential tariff treatment if:

(a) within a period of three months following the request for information pursuant to paragraph 1 of Article 3.22 [Verification]:

(i) no reply is provided by the importer;

(ii) where the claim for preferential tariff treatment is based on a statement on origin referred to in subparagraph 2(a) of Article 3.16 [Claim for preferential tariff treatment], the statement on origin was not provided;

(iii) where the claim for preferential tariff treatment is based on the importer's knowledge referred to in subparagraph 2(b) of Article 3.16 [Claim for preferential tariff treatment], the information provided by the importer is inadequate to confirm that the product is originating;

(b) within a period of three months following the request for additional information pursuant to paragraph 5 of Article 3.22 [Verification]:

(i) no reply is provided by the importer, or (ii) the information provided by the importer is inadequate to confirm that the product is originating; (c)within a period of ten months following the request for information pursuant to paragraph 2 of Article 3.23 [Administrative Cooperation]:

(ii) no reply is provided by the customs authority of the exporting Party, or

(iii) the information provided by the customs authority of the exporting Party is inadequate to confirm that the product is originating;

2. The customs authority of the importing Party may deny preferential tariff treatment to a product for which an importer claims preferential tariff treatment where the importer fails to comply with requirements of this [Chapter] other than those relating to the originating status of the products.

3. Where the customs authority of the importing Party has sufficient justification to deny preferential tariff treatment in accordance with paragraph 1 of this Article in cases where the customs authority of the exporting Party provided an opinion pursuant to paragraph S(ii) of Article 3.23 [Administrative Cooperation] confirming the originating status of the products, the customs authority of the importing Party shall notify the customs authority of the exporting Party, within two months of receiving the opinion, of its intention to deny the pteference.

4. The period for consultation may be extended on a case by case basis by mutual agreement between the customs authorities of the Parties. The consultation may take place in line with the procedure set by [relevant body of the Agreement] established pursuant to this Agreement.

5. At the expiry of the period for consultation, the customs authority of the importing Party shall deny the preferential tariff treatment only if, it cannot confirm that the product is originating, and after having granted the importer the right to be heard.

Article 3.26. Confidentiality

1. Each Party shall maintain, in accordance with its laws and regulations, the confidentiality of information provided to it by the other Party, pursuant to this [Chapter], and shall protect that information from disclosure.

2. Information obtained by the authorities of the importing Party may only be used by such authority for the purposes of this [Chapter].

3. Each Party shall ensure that confidential information collected pursuant to this Chapter shall not be used for purposes other than the administration and enforcement of decisions and determinations relating to origin and to customs matters, except with the permission of the person or Party who provided the confidential information.

4. Notwithstanding paragraph 3, a Party may allow information collected pursuant to this Chapter to be used in any administrative, judicial, or quasi-judicial proceedings instituted for failure to comply with customs-related laws implementing

this Chapter. A Party shall notify the person or Party who provided the information in advance of such use.

Article 3.27. Refunds and Claims for Preferential Tariff Treatment after Importation

1. Each Party shall provide that an importer may apply for preferential tariff treatment and a refund of any excess duties paid for a product if the importer did not make a claim for preferential tariff treatment at the time of importation, no later than two years after the date of importation, provided that the product was eligible for preferential tariff treatment when it was imported into the territory of the Party.

2. As a condition for preferential tariff treatment under paragraph 1, the importing Party may require that the importer:

(a) makes a claim for preferential tariff treatment in accordance with the laws and regulations of the importing Party;

(b) provides the statement on origin, as appropriate; and

(c) satisfies all other applicable requirements within the meaning of this [Chapter] as if preferential tariff treatment had been claimed at the time of importation.

Article 3.28. Administrative Measures and Sanctions

1. A Party shall impose administrative measures, and sanctions where appropriate, in accordance with its respective laws and regulations, on a person who draws up a document, or causes a document to be drawn up, which contains incorrect information provided for the purpose of obtaining a preferential tariff treatment to a product, or who does not comply with the requirements set out in:

i. Article 3.20 [Record keeping requirements]; ii. Article 3.23(4) [Administrative Cooperation] by not providing evidence or refusing a visit; or iii. Article 3.17(2) [Statement on origin] by not correcting a claim for preferential tariff treatment made in the customs declaration and paying the custom duty as appropriate, when the initial claim for preference was based on incorrect information.

2. The Party shall take into account paragraph 3.6 of Article 6 of the World Trade Organisation Agreement on Trade Facilitation when an importer voluntarily discloses a correction to a claim for preference prior to receiving a verification request, in accordance with the laws and regulations of that Party.

Section C. Final Provisions

Article 3.29. Ceuta and Melilla

1. For the purpose of this [Chapter], in the case of the European Union, the term "Party" does not include Ceuta and Melilla.

2. Products originating in Chile, when imported into Ceuta and Melilla shall in all respects be subject to the same customs treatment under this Agreement as that which is applied to products originating in the customs territory of the European Union under Protocol 2 of the Act of Accession of the Kingdom of Spain and the Portuguese Republic to the European Union. Chile shall grant to imports of products covered by the Agreement and originating in Ceuta and Melilla the same customs treatment as that which is granted to products imported from and originating in the European Union.

3. The rules of origin and origin procedures under this [Chapter] shall apply mutatis mutandis to products exported from Chile to Ceuta and Melilla and to products exported from Ceuta and Melilla to Chile.

4. Ceuta and Melilla shall be considered as a single territory.

5. Article 3.3 [Cumulation of Origin] applies to import and exports of products between the European Union, Chile and Ceuta and Melilla.

6. The exporter shall enter "Chile" and "Ceuta and Melilla" in [field 3] of the text of the statement on origin, depending on the origin of the product.

7. The customs authority of the Kingdom of Spain shall be responsible for the application of this Article in Ceuta and Melilla.

Article 3.30. Amendments to the Chapter

The [Trade Committee] may decide to amend the provisions of this [Chapter].

Article 3.31. Special Committee on Customs, Trade Facilitation and Rules of Origin

1. The Special Committee on Customs, Trade Facilitation and Rules of Origin established pursuant to [Article XX] (hereinafter referred to in this [Chapter] as the "Committee") shall be responsible for the effective implementation and operation of this [Chapter], in addition to the other responsibilities specified in [Article XX].

2. For the purposes of this [Chapter], the Committee shall have the following functions:

(a) reviewing and making appropriate recommendations, as necessary, to the [Trade Committee] on:

(i) the implementation and operation of this [Chapter]; and

(ii) any amendments of the provisions of this [Chapter] proposed by a Party.

(b) make suggestions to the [Trade Committee] for adoption of explanatory notes to facilitate the implementation of the provisions of this [Chapter];

(c) considering any other matter related to this [Chapter] as the Parties may agree.

Article 3.32. Goods In Transit or Storage

The provisions of this Agreement may be applied to goods which comply with the provisions of this [Chapter] and which on the date of entry into force of this Agreement are either in transit or are in the European Union or in Chile, in temporary storage in bonded warehouse or in free zones, subject to the submission to the customs authorities of the importing country of a statement on origin.

Article 3.33. Explanatory Notes

Explanatory notes regarding the interpretation, application and administration of this [Chapter] are set out in [Annex XX (Explanatory Notes)].

Chapter 4. CUSTOMS AND TRADE FACILITATION

Article 4.1. Objectives

1. The Parties recognise the importance of customs and trade facilitation in the evolving global trading environment.

2. The Parties recognize that international trade and customs instruments and standards are the basis for import, export and transit requirements and procedures.

3. The Parties recognize that customs laws and regulations should be non-discriminatory and customs procedures should be based upon the use of modern methods and effective controls to combat fraud, protect consumer health and safety and promote legitimate trade. Each Party should periodically review its customs laws, regulations, and procedures. The Parties also recognize that their customs procedures should be no more administratively burdensome or trade restrictive than necessary to achieve legitimate objectives and that they should be applied in a manner that is predictable, consistent and transparent.

4. The Parties agree to reinforce their cooperation with a view to ensuring that the relevant customs laws, regulations and procedures, as well as the administrative capacity of the relevant administrations, fulfil the objectives of promoting trade facilitation while ensuring effective customs control.

Article 4.2. Definitions

For the purposes of this Chapter:

Customs authority means:

(a) In Chile, the Servicio Nacional de Aduanas (National Customs Service), or its successor;

(b) In the European Union, the services of the European Commission responsible for customs matters and the customs administrations and any other authorities responsible in the Member States of the European Union for the application and enforcement of customs legislation.

Article 4.3. Customs Cooperation

1. The Parties shall cooperate on customs matters between their respective authorities in order to ensure that the objectives set out in Article 4.1 are attained.

2. The Parties shall develop cooperation, inter alia, by:

(a) exchanging information concerning customs laws and regulations, its implementation, and customs procedures; particularly in the following areas:

- simplification and modernisation of customs procedures,

- enforcement of intellectual property rights by the customs authorities, - facilitation of transit movements and transhipment,

- relations with the business community,

- supply chain security and risk management.

(b) working together on the customs-related aspects of securing and facilitating the international trade supply chain in accordance with the Framework of Standards to Secure and Facilitate Global Trade (SAFE Framework) of the World Customs Organization (WCO);

(c) considering developing joint initiatives relating to import, export and other customs procedures including the exchange of best practices and technical assistance, as well as towards ensuring an effective service to the business community. Cooperation may include exchanges on customs laboratories, the training of customs officers and on new technologies for customs controls and procedures;

(d) strengthening their cooperation in the field of customs in international organisations such as the World Trade Organization (WTO) and the World Customs Organization (WCO);

(e) establishing, where relevant and appropriate, the mutual recognition of their Authorized Economic Operator programmes including equivalent trade facilitation measures;

(f) carrying out exchanges on risk management techniques, risk standards and security controls, in order to establish, to the extent practicable, minimum standards for risk management techniques and related requirements and programmes;

(g) endeavouring to harmonize their data requirements for import, export and other customs procedures by implementing common standards and data elements in accordance with the World Customs Organization (WCO) Data Model;

(h) sharing their respective experiences in developing and deploying their single window systems, and, where appropriate, develop common sets of data elements for those systems;

(i) maintaining a dialogue between their respective policy experts to promote the utility, efficiency, and applicability of advance rulings for authorities and traders; and

(j) exchanging, where relevant and appropriate, through a structured and recurrent communication between the customs authorities of the Parties, certain categories of customs- related information for specific purposes, namely improving risk management and the effectiveness of customs controls, targeting goods at risk in terms of revenue collections or safety and security, and facilitating legitimate trade; such exchange shall be without prejudice to exchanges of information that may take place between the Parties in accordance with the Protocol on mutual administrative assistance in customs matters.

3. Any exchange of information between the Parties under this Chapter shall be mutatis mutandis subject to the confidentiality of information and personal data protection requirements set out in Article 12 of the Protocol on mutual administrative assistance in customs matters, as well as any confidentiality and privacy requirements set out in the legislation of the Parties.

Article 4.4. Mutual Administrative Assistance

The Parties shall provide each other with mutual administrative assistance in customs matters in accordance with the provisions of the Protocol on mutual administrative assistance in customs matters.

Article 4.5. Customs Laws and Procedures

1. Each Party shall ensure that its customs provisions and procedures shall be based upon:

(a) international instruments and standards in the area of customs and trade, including the International Convention on the Harmonized Commodity Description and Coding System, as well as the Framework of Standards to Secure and Facilitate Global Trade and the Customs Data Model of the WCO, and if applicable, the substantive elements of the Revised Kyoto Convention on the Simplification and Harmonisation of Customs Procedures;

(b) the protection and facilitation of legitimate trade through effective enforcement and compliance of legislative requirements; and

(c) laws and regulations that are proportionate and non-discriminatory, avoids unnecessary burdens on economic operators, provides for further facilitation for operators with high levels of compliance, including favourable treatment with respect to customs controls prior to the release of goods, and ensures safeguards against fraud and illicit or damageable activities.

2. In order to improve working methods, as well as to ensure non-discrimination, transparency, efficiency, integrity and accountability of operations, the Parties shall:

(a) simplify and review requirements and formalities wherever possible with a view to the rapid release and clearance of goods;

(b) work towards the further simplification and standardisation of data and documentation required by customs and other agencies in order to reduce the time and costs thereof for traders or operators, including small and medium-sized enterprises; and

(c) ensure that the highest standards of integrity be maintained, through the application of measures reflecting the principles of the relevant international conventions and instruments in this field.

Article 4.6. Release of Goods

Each Party shall ensure that its customs authorities, border agencies or other competent authorities:

(a) provide for the prompt release of goods within a period no greater than that required to ensure compliance with its customs and other trade-related laws and formalities;

(b) allow for advance electronic submission and processing of documentation and any other required information prior to the arrival of the goods;

(c) allow for the release of goods prior to the final determination of customs duties, taxes, fees and charges, subject to the provision of a guarantee, if required by its laws and regulations, in order to secure their final payment; and

(d) give appropriate priority to perishable goods when scheduling and performing any examinations that may be required.

Article 4.7. Simplified Customs Procedures

Each Party shall adopt or maintain measures allowing traders or operators fulfilling criteria specified in its laws and regulations to benefit from further simplification of customs procedures. Such measures may include customs declaration containing a reduced set of data or supporting documents, or periodical customs declaration for the determination and payment of customs duties and taxes covering multiple imports within a given period, after the release of those imported goods or other procedures that provide for the expedited release of certain shipments.

Article 4.8. Authorised Economic Operator - AEO

1. Each Party shall establish or maintain a trade facilitation partnership programme for operators who meet specified criteria, hereinafter, called authorised operators.

2. The specified criteria to qualify as authorised operators shall be related to compliance, or the risk of non-compliance, with requirements specified in the Partiesâ laws, regulations or procedures. The specified criteria, which shall be published, may include:

(a) the absence of any serious infringement or repeated infringements of customs legislation and taxation rules, including no record of serious criminal offences relating to the economic activity of the applicant;

(b) the demonstration by the applicant of a high level of control of his or her operations and of the flow of goods, by means of a system of managing commercial and, where appropriate, transport records, which allows appropriate customs controls;

(c) financial solvency, which shall be deemed to be proven where the applicant has good financial standing, which enables him or her to fulfil his or her commitments, with due regard to the characteristics of the type of business activity concerned;

(d) proven competences or professional qualifications directly related to the activity carried out; and

(e) appropriate security and safety standards.

3. The specified criteria to qualify as an authorised operator shall not be designed or applied so as to afford or create arbitrary or unjustifiable discrimination between operators where the same conditions prevail and shall allow the participation of small and medium- sized enterprises.

4. The trade facilitation partnership programme shall include the following benefits:

(a) low documentary and data requirements, as appropriate; (b) lower rate of physical inspections or expedited examinations, as appropriate; (c) simplified release procedures and rapid release time, as appropriate;

(d) use of guarantees, including where applicable comprehensive guarantees or reduced guarantees;

(e) control of the goods at the premises of the authorized economic operator or another place authorized by customs.

5. The trade facilitation partnership programme may also include additional benefits, such as:

(a) deferred payment of duties, taxes, fees and charges;

(b) a single customs declaration for all imports or exports in a given period; and

(c) availability of a dedicated contact point to provide assistance in customs matters.

Article 4.9. Data and Documentation

1. Each Party shall ensure that import, export and transit formalities, data and documentation requirements:

(a) are adopted and applied with a view to a rapid release of goods, provided the conditions for the release are fulfilled;

(b) are adopted and applied in a manner that aims to reduce the time and cost of compliance for traders and operators;

(c) are the least trade-restrictive measure chosen, where two or more alternative measures are reasonably available for fulfilling the policy objective or objectives in question; and

(d) are not maintained, including parts thereof, if no longer required.

2. Each Party shall apply common customs procedures and uniform customs documents for release of goods throughout its customs territory.

Article 4.10. Use of Information Technology and Electronic Payment

1. Each Party shall use information technologies that expedite procedures for the release of goods in order to facilitate trade between the Parties.

2. Each Party shall:

(a) make available by electronic means a customs declaration that is required for the import, transit or export of goods;

(b) allow a customs declaration to be submitted in electronic format;

(c) establish a means of providing for the electronic exchange of customs information with its trading community;

(d) promote the electronic exchange of data between their respective traders and customs authorities, as well as other related agencies; and

(e) use electronic risk management systems for assessment and targeting that enable its customs authorities to focus their inspections on high-risk goods and that facilitate the release and movement of low-risk goods.

3. Each Party shall adopt or maintain procedures allowing the option of electronic payment for duties, taxes, fees and

charges collected by customs incurred upon importation and exportation.

Article 4.11. Risk Management

1. Each Party shall adopt or maintain a risk management system for customs control.

2. Each Party shall design and apply risk management in a manner as to avoid arbitrary or unjustifiable discrimination, or disguised restrictions to international trade.

3. Each Party shall concentrate customs control and other relevant border controls on high-risk consignments and expedite the release of low-risk consignments. Each Party may also select, on a random basis, consignments for such controls as part of its risk management.

4. Each Party shall base risk management on assessment of risk through appropriate selectivity criteria.

Article 4.12. Post-clearance Audit

1. With a view to expediting the release of goods, each Party shall adopt or maintain post-clearance audit to ensure compliance with customs and other related laws and regulations.

2. Each Party shall conduct post-clearance audits in a risk-based manner.

3. Each Party shall conduct post-clearance audits in a transparent manner. Where an audit is performed and conclusive results have been achieved the Party shall, without delay, notify the person whose record is audited of the results, the person's rights and obligations and the reasons for the results.

4. The Parties acknowledge that the information obtained in a post-clearance audit may be used in further administrative or judicial proceedings.

5. The Parties shall, wherever practicable, use the result of post-clearance audit in applying risk management.

Article 4.13. Transparency

1. The Parties recognise the importance of timely consultations with trade representatives on legislative proposals and general procedures related to customs and trade matters. To that end, each Party shall provide for appropriate consultations between administrations and the business community.

2. Each Party shall ensure that their respective customs and customs-related requirements and procedures continue to meet the needs of the business community, follow best practices, and remain the least trade restrictive possible.

3. Each Party shall provide for appropriate regular consultations between border agencies and traders or other stakeholders within its territory.

4. Each Party shall publish promptly in a non-discriminatory and accessible manner, including online, and prior to their application, new laws and regulations related to customs and trade facilitation matters, as well as amendments to, and interpretations of, those laws and regulations. Such laws and regulations, as well as their amendments and interpretations, shall include those relating to:

(a) importation, exportation and transit procedures (including port, airport, and other entry-point procedures) and required forms and documents;

(b) applied rates of duties and taxes of any kind imposed on or in connection with importation or exportation;

(c) fees and charges imposed by or for governmental agencies on or in connection with importation, exportation or transit;

(d) rules for the classification or valuation of products for customs purposes;

(e) laws, regulations and administrative rulings of general application relating to rules of origin;

(f) import, export or transit restrictions or prohibitions;

(g) penalty provisions against breaches of import, export or transit formalities;

(h) agreements or parts thereof with any country or countries relating to importation, exportation or transit;

(i) procedures relating to the administration of tariff quotas;

(j) hours of operation and operating procedures for customs offices at ports and border crossing points;

(k) points of contact for information enquiries; and

(l) other relevant notices of an administrative nature in relation to the above.

4. Each Party shall ensure there is a reasonable time period between the publication! of new or amended laws, regulations and procedures and fees or charges and their entry into force.

5. Each Party shall establish or maintain one or more enquiry points to answer reasonable enquiries from governments, traders and other interested parties on customs and other trade-related matters. The enquiry points shall answer enquiries within a reasonable time period set by each Party, which may vary depending on the nature or complexity of the request. A Party shall not require the payment of a fee for answering enquiries or providing required forms and documents.

Article 4.14. Advance Rulings

1. An advance ruling is a written decision provided to an applicant prior to the importation of a good covered by the application that sets forth the treatment that the Party shall provide to the good at the time of importation with regard to:

(a) the good's tariff classification;

(b) the origin of the good; and

(c) any other matters that the Parties may agree.

2. Each Party shall issue, through its customs authorities, an advance ruling that sets forth the treatment to be provided to the goods concerned. That ruling shall be issued in a reasonable, time bound manner to the applicant that has submitted a written request, including in electronic format, containing all necessary information in accordance with the laws and regulations of the issuing Party.

3. The advance ruling shall be valid for at least a three-year period of time after its issuance unless the law, facts or circumstances supporting the original advance ruling have changed.

4. A Party may decline to issue an advance ruling if the facts and circumstances which form the basis of the advance ruling are under administrative or judicial review or if the application does not relate to any intended use of the advance ruling. If a Party declines to issue an advance ruling, it shall promptly notify the applicant in writing, setting out the relevant facts and the basis for its decision.

5. Each Party shall publish, at least:

(a) the requirements for the application for an advance ruling, including the information to be provided and the format;

(b) the time period by which it will issue an advance ruling; and

1 For greater clarity, publication refers to making laws and regulations publicly available

(c) the length of time for which the advance ruling is valid.

6. Where a Party revokes or modifies or invalidates an advance ruling, it shall provide written notice to the applicant setting out the relevant facts and the basis for its decision. Where the Party revokes or modifies or invalidates an advance ruling with retroactive effect, it may only do so where the ruling was based on incomplete, incorrect, false or misleading information provided by the applicant.

7. An advance ruling issued by a Party shall be binding on that Party in respect of the applicant that sought it. The advance ruling shall also be binding on the applicant.

8. Each Party shall provide, upon written request of an applicant, a review of the advance ruling or of the decision to revoke, modify or invalidate it.

9. Subject to confidentiality requirements in its laws and regulations, each Party shall make publicly available, including on the internet, the substantive elements of its advance rulings.

Article 4.15. Transit and Transhipment 1. Each Party Shall Ensure the Facilitation and

Effective Control of Transhipment Operations and Transit Movements Through Their Respective Territories. 2. Each Party Shall Promote and Implement Regional Transit Arrangements with a View to Facilitating Trade. 3. Each Party Shall Ensure Cooperation and Coordination between All Concernedauthorities and Agencies In Their Respective Territories to Facilitate Traffic In Transit.

4. Each Party shall allow goods intended for import to be moved within its territory under customs control from a customs office of entry to another customs office in its territory from where the goods would be released or cleared, provided all regulatory requirements are met.

Article 4.16. Customs Brokers

No Party shall introduce the mandatory use of customs brokers as a requirement for traders to fulfil their obligations with respect to the importation, exportation and transit of goods. Each Party shall publish its measures on the use of customs brokers. The Parties shall apply transparent, non-discriminatory and proportionate rules if and when licensing customs brokers.

Article 4.17. Pre-shipment Inspections

The Parties shall not require the mandatory use of pre-shipment inspections as defined in the WTO Agreement on Pre-shipment Inspection, or any other inspection activity performed at destination, before customs clearance, by private companies.

Article 4.18. Appeals

1. Each Party shall provide effective, prompt, non-discriminatory and easily accessible procedures to guarantee the right of appeal against the administrative actions, rulings and decisions of customs or other competent authorities affecting import or export of goods or goods in transit.

2. Appeal procedures may include administrative review by the supervising authority and judicial review of decisions taken at the administrative level according to the legislation of the Parties.

3. Any person who has applied to the customs authorities for a decision and has not obtained a decision on that application within the relevant time-limits shall also be entitled to exercise the right of appeal.

4. Each Party shall provide a person to whom it issues an administrative decision with the reasons for the administrative decision, so as to enable such a person to have recourse to appeal procedures where necessary.

Article 4. Penalties

1. Each Party shall ensure that its respective customs laws and regulations provide that any penalties imposed for breaches of customs regulations or procedural requirements be proportionate and non-discriminatory.

2. Penalties for a breach of a customs law, regulation, or procedural requirement are imposed only on the person(s) responsible for the breach under its laws.

3. Penalties imposed shall depend on the facts and circumstances of the case and shall be commensurate with the degree and severity of the breach. Each Party shall avoid incentives for the assessment or collection of a penalty, or conflicts of interest in the assessment and collection of penalties.

4. In case of voluntary prior disclosure to a customs authority of the circumstances of a breach of a customs law, regulation, or procedural requirement, each Party is encouraged to consider this as a potential mitigating factor when establishing a penalty.

5. When a penalty is imposed for a breach of a customs laws, regulations, or procedural requirements, an explanation in writing is provided to the person(s) upon whom the penalty is imposed specifying the nature of the breach and the applicable law, regulation or procedure under which the amount or range of penalty for the breach has been prescribed.

Article 4. Customs Committee

1. The Parties hereby establish a Special Committee on Customs, Trade Facilitation and Rules of Origin, composed of representatives of the Parties. The Committee shall meet on a date and with an agenda agreed in advance by the Parties. The office of chairperson of the Committee shall be held alternately by each of the Parties and rotate annually. The Committee shall report to the [xx Committee].

2. The Sub-Committee shall ensure the proper functioning of this Chapter, the border enforcement of Intellectual Property Rights by competent authorities in sub-section xx of the IPR chapter, the {Protocol xx on Rules of Origin], the Protocol on mutual administrative assistance in customs matters and any additional customs-related provisions agreed between the Parties, and examine all issues arising from their application.

3. The functions of the Sub-Committee shall include:

(a) monitoring the implementation and administration of this Section and of the [Annex/Protocol] on rules of origin;

(b) providing a forum to consult and discuss all issues concerning customs, including in particular customs procedures, customs valuation, tariff regimes, customs nomenclature, customs cooperation and mutual administrative assistance in customs matters;

(c) providing a forum to consult and discuss issues relating to rules of origin and administrative cooperation, and intellectual property rights border measures;

(d) enhancing cooperation on the development, application and enforcement of customs procedures, mutual administrative assistance in customs matters, rules of origin and administrative cooperation.

[4. The Sub-Committee shall examine the need for, and take, decisions, opinions, proposals or recommendations on all issues arising from their implementation. It shall have the power to adopt decisions on mutual recognition of risk management techniques, risk standards, security controls and trade partnership programmes, including aspects such as data transmission and mutually agreed benefits.]

5. The Parties may agree to hold ad hoc meetings for customs cooperation or for rules of origin or mutual administrative assistance.

Article 4.21. Temporary Admission

1. For the purposes of this Article, the term "temporary admission" means the customs procedure under which certain goods (including means of transport) can be brought into a customs territory conditionally relieved from payment of import duties and taxes and without application of import prohibitions or restrictions of economic character. Such goods must be imported for a specific purpose and must be intended for re-exportation within a specified period and without having undergone any change except normal depreciation due to the use made of them.

2. Each Party shall grant temporary admission, with total conditional relief from import duties and taxes and without application of import restrictions or prohibitions of economic characterâ, as provided for in its laws and regulations, to the following goods:

(a) Goods for display or use at exhibitions, fairs, meetings or similar events (goods intended for display or demonstration at an event; goods intended for use in connection with the display of foreign products at an event; equipment including interpretation equipment, sound and image recording apparatus and films of an educational, scientific or cultural character intended for use at international meetings, conferences or congresses); goods obtained at such events from goods placed under temporarily admission. Each Party may require for a governmental authorization to be issued before the event takes place or a guarantee or deposit to be issued;

(b) Professional equipment (equipment for the press or for sound or television broadcasting which is necessary for representatives of the press or of broadcasting or television organizations visiting the territory of another country for purposes of reporting or in order to transmit or record material for specified programmes; cinematographic equipment necessary for a person visiting the territory of another country in order to make a specified film or films; any other equipment necessary for the exercise of the calling, trade or profession of a person visiting the territory of another country to perform a specified task, insofar as it is not to be used for the industrial manufacture or packaging of goods or (except in the case of hand tools) for the exploitation of natural resources, for the construction, repair or maintenance of buildings or for earth moving and like projects; ancillary apparatus for the equipment mentioned above, and accessories therefor); component parts imported for repair of professional equipment temporarily admitted;

(c) Goods imported in connection with a commercial operation but whose importation does not in itself constitute a commercial operation (such as packings which are imported filled for re-exportation empty or filled, or are imported empty

for re-exportation filled; containers, whether or not filled with goods, and accessories and equipment for temporarily admitted containers, which are either imported with a container to be re-exported separately or with another container, or are imported separately to be re-exported with a container and component parts intended for the repair of containers granted temporary admission; pallets; samples; advertising films).

2 The temporary admission of goods described in paragraph 1 and 2 and brought into Chile from the European Union, shall not be subject to payment of the fee established in Article 107 of the Chilean Customs Ordinance (Ordenanza de Aduanas) contained in Decree 30 of the Ministry of Finance, Official Gazette, June 04, 2005, ("Decreto con Fuerza de Ley 30 del Ministerio de Hacienda, Diario Oficial, 04 de junio de 2005â),

(d) Goods imported exclusively for educational, scientific or cultural purposes (scientific equipment, pedagogic material, welfare material for seafarers, and any other goods imported in connection with educational, scientific or cultural activities); spare parts for scientific equipment and pedagogic material which has been granted temporary admission; tools specially designed for the maintenance, checking, gauging or repair of such equipment;

(e) Personal effects (all articles, new or used, which a traveller may reasonably require for his or her personal use during the journey, taking into account all the circumstances of the joumey, but excluding any goods imported for commercial purposes); goods imported for sports purposes (sports requisites and other articles for use by travellers in sports contests or demonstrations or for training in the territory of temporary admission);

ff) Tourist publicity material (goods imported for the purpose of encouraging the public to visit another foreign country, in particular in order to attend cultural, religious, touristic, sporting or professional meetings or demonstrations held there). Each Party may require a guarantee or deposit to be provided for these goods;

(g) Goods imported for humanitarian purposes (medical, surgical and laboratory equipment and relief consignments, such as vehicles and other means of transport, blankets, tents, prefabricated houses or other goods of prime necessity, forwarded as aid to those affected by natural disaster and similar catastrophes);

(h) Animals imported for specific purposes (such as police dogs or horses, detector dogs, dogs for the blind, rescue dogs, participation in shows, exhibitions, contests, competitions or demonstrations, entertainment (such as circus animals), touring (including pet animals of travellers), performance of work or transport, medical purposes (such as delivery of snake poison,)).

3. Each Party in accordance with its laws and regulations, for the temporary admission of the goods referred to in paragraph 2 and regardless of their origin, shall accept A.T.A. carnets issued in the other Party, endorsed there and guaranteed by an association forming part of the international guarantee chain, certified by the competent authorities and valid in the customs territory of the importing Party.

* In the case of Chile the A.T.A carnets shall be accepted as established by the Decree NÂ° 103 of the Ministry of Foreign Affairs of 2004, that enacts the âConvention on Temporary Admission and its Annexes A, B1, B2 and B3, with the reservations duly indicatedâ, and its amendments thereof.

Article 4.22. Repaired Goods

1. No Party shall apply a customs duty to a good, regardless of its origin, that re-enters the Party's customs territory after that good has been temporarily exported from its customs territory to the customs territory of the other Party for repair.*

2. Paragraph 1 does not apply to a good imported in bond, into free trade zones, or in similar status, that is then exported for repair and is not re-imported in bond, into free trade zones, or in similar status.

3. No Party shall apply a customs duty to a good, regardless of its origin, imported temporarily from the customs territory of the other Party for repair.â

DEFINITION

âRepairâ means any processing operation undertaken on a good to remedy operating defects or material damage and entailing the re-establishment of the good to its original function or to ensure compliance with technical requirements for its use, without which the good could no longer be used in the normal way for the purposes for which they were intended. Repair of goods includes restoration and maintenance but does not include an operation or process that:

@) destroys the essential characteristics of a good, or creates a new or commercially different good;

Gi) transforms an unfinished good into a finished good; or (iii) is used to improve or upgrade the technical performance of

goods. Article 4.23

Fees and Formalities

1. Fees and other charges imposed by a Party on or in connection with importation or exportation of a good of the other Party shall be limited in amount to the approximate cost of services rendered, and shall not represent an indirect protection to domestic goods or taxation of imports or exports for fiscal purposes.

2. No Party shall levy fees or other charges on or in connection with importation or exportation on an ad valorem basis.

3. Each Party may impose charges or recover costs only where specific services are rendered, including the following:

4 In the EU, the outward processing procedure as laid down in Regulation (EU) No 952/2013 is used for the purpose of this paragraph.

5 In the EU, the inward processing procedure as laid down in Regulation (EU) No 952/2013 is used for the purpose of this paragraph

(a) attendance, where requested, by customs staff outside official office hours or at premises other than customs premises;

(b) analyses or expert reports on goods and postal fees for the return of goods to an applicant, particularly in respect of decisions relating to binding information or the provision of information concerning the application of the customs legislation;

(c) the examination or sampling of goods for verification purposes, or the destruction of goods, where costs other than the cost of using customs staff are involved; or,

(d) exceptional control measures, where these are necessary due to the nature of the goods or to a potential risk.

4. Each Party shall promptly publish all fees and charges it imposes in connection with importation or exportation in such a manner as to enable governments, traders and other interested parties, to become acquainted with them.

5. No Party shall require consular transactions, including related fees and charges, in connection with the importation of any good of the other Party.

Chapter 5. TRADE REMEDIES

Section SECTION a Anti-Dumping and Countervailing Duties

Article 5.1. General Provisions

1. Each Party retains its rights and obligations arising from the WTO Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 and from the WTO Agreement on Subsidies and Countervailing Measures.

2. For the purpose of this Section, the preferential rules of origin under Chapter 3 of this agreement shall not apply.

Article 5.2. Transparency

1. Both Parties agree that anti-dumping and anti-subsidy investigations should be used in full compliance with the relevant WTO requirements and should be based on a fair and transparent system.

2. Both Parties shall ensure, as soon as practicable, after any imposition of provisional measures and in any case before final determination is made, full disclosure of all essential facts and considerations, which form the basis for the decision to apply measures. This is without prejudice to Article 6.5 of the WTO Agreement on Implementation of Article VI of GATT 1994 and Article 12.4 of the WTO Agreement on Subsidies and Countervailing Measures. Disclosures shall be made in writing, and allow interested parties sufficient time to make their comments.

3. Provided it does not unnecessarily delay the conduct of the investigation, each interested party shall be granted the possibility to be heard in order to express their views during anti- dumping and anti-subsidy investigations.

Article 5.3. Consideration of Public Interest

Parties shall take into account the situation of the domestic industry, importers and their representative associations,

representative users and representative consumer organizations to the extent they have provided relevant information to the investigating authorities within the relevant timeframe. Parties may decide not to apply anti-dumping or countervailing measures based on this information.

Article 5.4. Lesser Duty Rule

Should a Party decide to impose an anti-dumping duty, the amount of such duty shall, not exceed the margin of dumping, but, whenever possible, it should be less than that margin if such lesser duty would be adequate to remove the injury to the domestic industry.

Article 5.5. Exclusion from Bilateral Dispute Settlement Mechanism

The provisions of this Section shall not be subject to the Dispute Settlement provisions of this Agreement.

Section SECTION B Global Safeguard Measures

Article 5.6. General Provisions

1. Each Party retains its rights and obligations under Article XIX of GATT 1994, the WTO Agreement on Safeguards and Article 5 of the WTO Agreement on Agriculture.

Article 5.7. Transparency and Imposition of Definitive Measures

1. Notwithstanding Article X.1, at the request of the other Party and provided the latter has a substantial interest, the Party initiating a safeguard investigation or intending to take safeguard measures shall provide immediately ad hoc written notification of all pertinent information leading to the initiation of a safeguard investigation, or the imposition of global safeguard measures including on the provisional findings, where relevant. This is without prejudice to Article 3.2 of the WTO Agreement on Safeguards.

2. When imposing definitive safeguard measures, the Parties shall endeavour to impose them in a way that least affects bilateral trade, provided that the Party affected by the measures has a substantial interest.

3. For the purpose of paragraph 2, if a Party considers that the legal requirements for the imposition of definitive safeguard measures are met, and that it intends to apply such measures, that Party shall notify the other Party and give the possibility to hold bi-lateral consultations, provided that the other Party has a substantial interest. If no satisfactory solution has been reached within 15 days of the notification, the importing Party may adopt the appropriate measures to remedy the problem.

4. For the purposes of this Article, a Party shall be considered as to have a substantial interest when it is among the five largest suppliers of the imported product during the most recent three year period of time, measured in terms of either absolute volume or value.

Article 5.8. Exclusion from Bilateral Dispute Settlement Mechanism

The provisions of this Section referring to WTO rights and obligations shall not be subject to the Dispute Settlement provisions of this Agreement

Section SECTION C Bilateral Safeguard Measures SUB-SECTION C.1

General Provisions

Article 5.9. Definitions

For the purposes of this section:

1. âTransition periodâ means seven years from the date of entry into force of this Agreement. For any product for which the Schedule in Annex I (Elimination of Customs Duties) of the Party applying the measure provides for tariff elimination of seven years, transition period means the tariff elimination period for that product set out in that Schedule respectively plus two years.

2. âDomestic industryâ means, with respect to an imported product, the producers as a whole of the like or directly competitive products operating within the territory of a Party, or those producers whose collective output of the like or directly competitive products constitutes a major proportion of the total domestic production of those products.

Article 5.10. Application of a Bilateral Safeguard Measure

1. Notwithstanding Section B (Global Safeguard Measures), if as a result of the reduction or elimination of a customs duty under this Agreement, a product originating in a Party is being imported into the territory of the other Party in such increased quantities, in absolute terms or relative to domestic production, and under such conditions as to cause or threaten to cause serious injury to domestic producers of like or directly competitive products, the importing Party may take appropriate measures under the conditions and in accordance with the procedures laid down in this Section.

2. If the conditions in paragraph 1 are met, the safeguard measures of the importing Party may only consist of one of the following:

(a) suspension of the further reduction of the rate of customs duty on the product concerned provided for under this Agreement; or

(b) increase in the rate of customs duty on the product concerned to a level which does not exceed the lesser of:

(i) the most-favoured nation applied rate of customs duty on the product in effect at the time the measure is taken; or

(ii) the most-favoured nation applied rate of customs duty on the product in effect on the day immediately preceding the date of entry into force of this Agreement.

Article 5.11. Conditions and Limitations

1. A bilateral safeguard measure may not be applied:

(a) except to the extent, and for such time, as may be necessary to prevent or remedy serious injury or threat thereof;

(b) for a period exceeding two years. The period may be extended by another two years if the competent authorities of the importing Party determine, in conformity with the procedures specified in this Section, that the measure continues to be necessary to prevent or remedy serious injury or threat thereof, provided that the total period of application of a safeguard measure, including the period of initial application and any extension thereof, does not exceed four years; or

(c) beyond the expiration of the transition period.

2. When a Party ceases to apply a bilateral safeguard measure, the rate of customs duty shall be the rate that would have been in effect for the product, according to the Schedule of that Party.

3. In order to facilitate adjustment in a situation where the expected duration of a bilateral safeguard measure is over one year, the Party that applies the measure shall progressively liberalise it at regular intervals during the period of application.

Article 5.12. Provisional Measures

1. In critical circumstances where delay would cause damage that would be difficult to repair, a Party may apply a bilateral safeguard measure on a provisional basis, without complying with the requirements of Article 5.21, paragraph 1 of this Chapter, pursuant to a preliminary determination that there is clear evidence that imports of a product originating in the other Party have increased as the result of the reduction or elimination of a customs duty under this Agreement, and that such imports cause or threaten to cause serious injury.

2. The duration of any provisional measure shall not exceed two hundred days, during which time the Party shall comply with the relevant procedural rules laid down in Sub-Section C.2 (Procedural Rules Applicable to Bilateral Safeguard Measures). The Party shall promptly refund any tariff increases if the investigation described in Sub-Section C.2 does not result in a finding that the requirements of Article 5.10 are met. The duration of any provisional measure shall be counted as part of the period described in Article 5.11, paragraph 1 (b). The importing Party concerned shall inform the other Party concerned upon taking such provisional measures and it shall immediately refer the matter to the Association Committee for examination if the other Party so requests.

Article 5.13. Compensation and Suspension of Concessions

1. A Party applying a bilateral safeguard measure shall consult with the Party whose products are subject to the measure in order to mutually agree on appropriate trade liberalising compensation in the form of concessions having substantially equivalent trade effect. The Party shall provide an opportunity for such consultations no later than thirty days after the application of the bilateral safeguard measure.

2. If the consultations under paragraph 1 do not result in an agreement on trade liberalising compensation within thirty days, the Party whose products are subject to the safeguard measure may suspend the application of substantially equivalent concessions to the trade of the Party applying the safeguard measure

3. A Party against whose good the bilateral safeguard measure is applied shall notify the Party applying the bilateral safeguard measure in writing at least 30 days before it suspends concessions in accordance with paragraph 2.

4. The obligation to provide compensation under paragraph 1 and the right to suspend concessions under paragraph 2 shall not be exercised for the first two years, provided that the safeguard measure has been taken as a result of an absolute increase in imports, and terminates on the termination of the bilateral safeguard measure.

Article 5.14. Time Lapse In between Two Measures

1. No safeguard measure referred to in this Section shall be applied to the import of a product that has previously been subject to such a measure, unless a period of time equal to half of that during which the safeguard measure was applied for the immediately preceding period has elapsed. A measure applied for more than once on the same product, may not be extended as indicated in par.1 (b) in Article 5.11 (Conditions and Limitations).

2. Neither Party shall apply, with respect to the same product and during the same period:

a) A bilateral safeguard measure or a provisional safeguard measure provided in this Agreement; and

b) A safeguard measure under Article XIX of the GATT 1994 and the WTO Agreement on Safeguards.

Article 5.15. Outermost Regions! of the European Union

1. Where any product originating in Chile is being imported into the territory of one or several outermost regions of the EU in such increased quantities and under such conditions as to cause or threaten to cause serious deterioration in the economic situation of the outermost region(s) concerned of the EU Party, the EU Party, after having examined alternative solutions, may exceptionally take bilateral safeguard measures limited to the territory of the region(s) concerned.

2. For the purpose of paragraph 1, serious deterioration shall mean major difficulties in a sector of the economy producing like or directly competitive products. The determination of deterioration shall be based on objective factors, including the following elements:

(a) the increase in the volume of imports in absolute or relative terms to domestic production and to imports from other sources; and

(b) the effect of such imports on the situation of the relevant industry or the economic sector concerned, including inter alia on the levels of sales, production, financial situation and employment.

3. Without prejudice to the provisions of paragraph 1, other rules laid down in Section C applicable to bilateral safeguards are also applicable to any safeguard adopted under this Article. Any reference to âserious injuryâ in those other rules shall be understood as âserious deteriorationâ for the purposes of this Article.

! At the entry into force of this Agreement, the outermost regions of the EU are: Guadeloupe, French Guiana, Martinique, Reunion, Mayotte, St. Martin, the Azores, Madeira and the Canary Islands. This Article shall also apply to a country or an overseas territory that changes its status to an outermost region by a decision of the European Council in accordance with the procedure set out in Article 355 (6) of the Treaty on the Functioning of the EU from the date of adoption of that decision. In the event that an outermost region of the EU changes its status as such by the same procedure, this Article shall cease to be applicable from the European Council's decision accordingly. The EU shall notify the other Parties of any change in the territories considered as outermost regions of the EU.

SUB-SECTION C.2

Procedural Rules Applicable to Bilateral Safeguard Measures

Article 5.16. Applicable Law

For the application of bilateral safeguard measures, the competent investigating authority shall comply with the provisions of this Sub-Section and in cases not covered by this Sub- Section, the competent investigating authority shall apply the rules established under its domestic legislation.

Article 5.17. Initiation of a Proceeding

1. A safeguard proceeding may be initiated by the competent investigating authority on its own initiative in exceptional circumstances, or upon a written application made by or on behalf of the domestic industry. In the case of the European Union that application can be filed by one or more Member States of the European Union on behalf of the domestic industry. The application shall be considered to have been made âby or on behalf of the domestic industryâ if it is supported by those domestic producers whose collective output constitutes more than 50% of the total production of the like or directly competitive products produced by that portion of the domestic industry expressing either support for or opposition to the application. However, no investigation shall be initiated when domestic producers expressly supporting the application account for less than 25% of total national production of the like or directly competitive goods produced by the domestic industry.

2. Once the investigation has been initiated, the written application shall be made available for interested parties, except for the confidential information contained therein.

3. Upon initiation of a safeguard proceeding, the competent investigating authority shall publish a notice of initiation of the proceeding in the official journal of the Party. The notice shall identify the entity which filed the written application, if applicable, the imported product that is the subject of the proceeding and its subheading and the tariff item number under which it is classified, the type of proposed measure to be taken, information regarding the public hearing or the period within which interested parties may apply to be heard orally by the investigating authority, the period within which interested parties may make known their views in writing and submit information, the place at which the written application and any other non-confidential documents filed in the course of the proceeding may be inspected

and the name, address and telephone number of the office to be contacted for more information.

4. With respect to a safeguard proceeding initiated on the basis of a written application the competent investigating authority shall not publish the notice required by paragraph 3 without first assessing carefully that the written application meets the requirements of its domestic legislation and includes reasonable evidence that imports of a product originating in the other Party have increased as the result of the reduction or elimination of a customs duty under this Agreement, and that such imports cause or threaten to cause the alleged serious injury.

Article 5.18. Investigation

1. A Party shall apply a bilateral safeguard measure only following an investigation by the Partyâs competent authorities in accordance with Article 3 and Article 4.2(c) of the Safeguards Agreement; to this end, Article 3 and Article 4.2(c) of the Safeguards Agreement are incorporated into and made part of this Agreement, mutatis mutandis.

2. In the investigation described in paragraph 1, the Party shall comply with the requirements of Article 4.2(a) and Article 4.2(b) of the Safeguards Agreement; to this end, Article 4.2(a) and Article 4.2(b) of the Safeguards Agreement are incorporated into and made part of this Agreement, mutatis mutandis.

3. When a Party makes a notification pursuant to paragraph 1 that it is applying or extending a bilateral safeguard measure, that Party shall include in that notification:

(a) evidence of serious injury, or threat of serious injury, caused by increased imports of an originating good of the other Party, as a result of the reduction or elimination of a customs duty pursuant to this Agreement.; The investigation shall demonstrate, on the basis of objective evidence, the existence of a causal link between increased imports of the product concerned and serious injury or threat thereof. Known factors other than the increased imports shall also be examined to ensure that the serious injury or the threat of serious injury caused by these other factors is not attributed to the increased imports.

(b) a precise description of the originating good subject to the bilateral safeguard measure including its heading or subheading under the HS Code, on which the schedules of tariff commitments in Annex 2-D (Tariff Commitments) are based;

(c) a precise description of the bilateral safeguard measure;

(d) the date of the bilateral safeguard measureâs introduction, its expected duration and, if applicable, a timetable for

progressive liberalisation of the measure; and

(e) in the case of an extension of the bilateral safeguard measure, evidence that the domestic industry concerned is adjusting.

4. On request of a Party whose good is subject to a bilateral safeguard proceeding under this Chapter, the Party that conducts that proceeding shall enter into consultations with the

requesting Party to review a notification under paragraph 1 or any public notice or report that the competent investigating authority issued in connection with the proceeding.

5. Each Party shall ensure that its competent investigating authority completes any such investigation within twelve months of its date of initiation.

Article 5.19. Confidential Information

Any information which is by nature confidential or which is provided on a confidential basis shall, upon good cause being shown, be treated as such by the competent investigating authority. Such information shall not be disclosed without permission of the Party submitting it. Parties providing confidential information are requested to furnish non-confidential summaries thereof or, if such parties indicate that such information cannot be summarised, the reasons why a summary cannot be provided. These summaries shall be in sufficient detail to permit a reasonable understanding of the substance of the information submitted in confidence. However, if the competent investigating authority finds that a request for confidentiality is not warranted and if the party concerned is either unwilling to make the information public or to authorise its disclosure in generalised or summary form, the authority may disregard such information unless it can be demonstrated to their satisfaction from appropriate sources that the information is correct.

Article 5.20. Hearings

In the course of each proceeding, the competent investigating authority shall:

(a) hold a public hearing, after providing reasonable notice, to allow all interested parties and any representative consumer association, to appear in person or by counsel, to present evidence and to be heard on serious injury or threat of serious injury, and the appropriate remedy; or

(b) provide an opportunity to all interested parties to be heard where they have made a written application within the period laid down in the notice of initiation showing that they are actually likely to be affected by the outcome of the investigation and that there are special reasons for them to be heard orally.

Article 5.21. Notifications and Publications

1. Where a Party takes the view that one of the circumstances set out in Article 5.10 or 5.17 exists, it shall immediately refer the matter to the Trade Committee for examination. The Trade Committee may make any recommendation needed to remedy the circumstances which have arisen. If no recommendation has been made by the Trade Committee aimed at remedying the circumstances, or no other satisfactory solution has been reached within thirty days of the matter being referred to the Trade Committee, the importing Party may adopt the appropriate measures to remedy the circumstances in accordance with this Section.

2. For the purposes of paragraph 1, the competent investigating authority shall provide the exporting Party with all pertinent information, which shall include evidence of serious injury or threat thereof to to domestic producers of the like and directly competitive product, caused by increased imports, precise description of the product involved and the proposed measures, proposed date of imposition and expected duration.

3. The competent investigating authority shall also publish its findings and reasoned conclusions reached on all pertinent issues of fact and law in the official journal of the European Union/the official gazette of Chile, including the description of the imported product and the situation, which has given rise to the imposition of measures in accordance with Article 5.10 or 5.17, the causal link between such situation and the increased imports, and the form, level and duration of the measures.

Article 5.22. Use of the English Language

In order to ensure the maximum efficiency for the application of the trade remedies rules under this Section, the investigating authorities of the Parties shall allow for longer deadlines to submit translations of documents that have been

provided in English within the relevant deadlines.

Chapter 6.

SANITARY AND PHYTOSANITARY MATTERS RELATED TO ANIMALS AND ANIMAL PRODUCTS, PLANTS AND, PLANT PRODUCTS

Article 6.1. Objective

1. The objective of this Chapter is to safeguard public, animal and plant health in the territory of the Parties whilst facilitating trade in animals and animal products, plants, plant products and other goods between the Parties, by:

a- improving transparency, communication and cooperation between the Parties on sanitary and phytosanitary measures

b- establishing mechanisms and procedures for trade facilitation; and c- further implementing the principles of the WTO SPS Agreement

2. The Parties agree to establish a working cooperation on multilateral fora and on food safety, animal health and plant protection science.

3. The Parties agree to establish a working cooperation on any other SPS matter or fora jointly agreed.

Article 6.2. Multilateral Obligations

The Parties reaffirm their rights and obligations under the WTO Agreement and, in particular, the WTO SPS Agreement. These rights and obligations shall underline the activities of the Parties under this Chapter.

Article 6.3. ScopeThis Chapter Shall Apply to:

1. All sanitary and phytosanitary measures as defined in Annex A to the WTO SPS Agreement in so far as they affect trade between the Parties.

2. The cooperation on multilateral fora recognised in the framework of the WTO/SPS Agreement.

3. Bilateral Cooperation on Food Safety, Animal Health and Plant Protection Science.

4. The cooperation in any other SPS matter or in any other fora that the Parties may jointly agree.

Article 6.4. Definitions

For the purposes of this Chapter the following definitions apply:

e definitions in Annex A of the SPS Agreement, as well as those of Codex Alimentarius (Codex), the World Organisation for Animal Health (OIE) and the International Plant Protection Convention (IPPC). !

e âProtected zoneâ: for a specific regulated pest means an officially defined geographical part of the territory of a Party in which that pest is known not to be established in spite of favourable conditions and its presence in other parts of the territory of the Party;

Article 6.5. Competent Authorities

1. The competent authorities of the Parties are the authorities responsible for the implementation of the measures referred to in this Chapter, as provided for in Appendix L

2. In accordance with Article 6.12, the Parties shall inform each other of any significant changes in the structure, organisation and division of competency of their competent authorities.

Article 6.6. Recognition for Trade of Animal Health and Pest Status Andregional Conditions

A, Recognition of status for animal diseases, infections in animals or pests

1. As regards animal diseases and infections in animals (including zoonoses), the following shall apply:

(a) The importing Party shall recognise for trade the animal health status of the

1 Nota de los negociadores: El acuerdo actual incluye definiciones como âAcuerdo de AsociaciÃ©nâ âdia habilâ, intr. Alia, que deberian ser consideradas en los capitulos transversales.

2.

exporting Party or its regions as determined by the exporting Party in accordance with Appendix IL.A., with respect to animal diseases specified in Appendix ILA.

(b) Where a Party considers that it has, for its territory or a region, a special status with respect to a specific animal disease other than those in Appendix ILA., it may request recognition of this status in accordance with the criteria set out in Appendix ILC. The importing Party may request guarantees in respect of imports of live animals and animal products, which are appropriate to the agreed status of the Parties.

(c) The status of the territories or regions, or the status in a sector or sub-sector of the Parties related to the prevalence or incidence of an animal disease other than those in Appendix ILA. or infections in animals, and/or the associated risk, as appropriate, as defined by the international standard setting organisations recognised by the WTO SPS Agreement, is recognised by the Parties as the basis between them. The importing Party may request guarantees in respect of imports of live animals and animal products, which are appropriate to the defined status in accordance with the recommendations of the standard setting organisations, as appropriate.

(d) Without prejudice to Articles 6.8 and 6.14, and unless the importing Party raises an explicit objection and requests supportive or additional information or consultations and/or verification, each Party shall take without undue delay the necessary legislative and administrative measures to allow trade on the basis of the provisions of subparagraphs (a), (b) and (c).

As regards pests, the following shall apply:

a) The Parties recognise for trade their pest status in respect to pests specified in Appendix ILB.

b) Without prejudice to Articles 6.8 and 6.14, and unless the importing Party raises an explicit objection and requests supportive or additional information or consultations and/or verification, each Party shall take without undue delay the necessary legislative and administrative measures to allow trade on the basis of the provision of subparagraph (a).

B. Recognition of regionalisation

1. The Parties recognise the concept of regionalisation, which they agree to apply to trade between them.

2. The Parties agree that regionalisation decisions for animal and fish diseases listed in Appendix II.A and for pests listed in Appendix II.B. must be taken in accordance with the provisions of Appendix IIA. and Appendix IILB, respectively.

3. (a) As regards animal diseases and in accordance with the provisions of Article

6.13, the exporting Party seeking recognition of its regionalisation decision by the importing Party shall notify its measures with full explanation and supporting data for its determinations and decisions. Without prejudice to Article 6.14, and unless

the importing Party raises an explicit objection and requests additional information or consultations and/or verification within 15 working days following receipt of the notification, the regionalisation decision so notified shall be considered as accepted.

(b) Consultations referred to in subparagraph (a) shall take place in accordance with Article 6.13(3). The importing Party shall assess the additional information within 15 working days following receipt of the additional information. The verification referred to in subparagraph (a) shall be carried out in accordance with Article 6.10 and within 25 working days following receipt of the request for verification.

4. (a) As regards pests, each Party shall ensure that trade in plants, plant products and other goods takes account of the pest status in a region recognised by the other Party. A Party seeking recognition of its regionalisation decision by the other Party shall notify its measures and decisions, as guided by the relevant FAO International Standards for Phytosanitary Measures, including No 4 âRequirements for the establishment of Pest Free Areasâ, No 8 âDetermination of Pest Status in an areaâ, and other International Standards for Phytosanitary Measures as the Parties deem appropriate. Without prejudice to Article 6.14, and unless a Party raises an explicit objection and requests additional information or consultations and/or verification within three months following the notification, the regionalisation decision so notified shall be considered as accepted.

(b) Consultations referred to in subparagraph (a) shall take place in accordance with Article 13(3). The importing Party shall assess the additional information within three months following receipt of the additional information. The verification referred to in subparagraph (a) shall be carried out in accordance with Article 6.10 and within 12 months following receipt of the request for verification, taking into account the biology of the pest and the crop concerned.

5. After finalisation of the procedures of paragraph 2, 3 and 4, and without prejudice to Article 6.14, each Party shall take, without undue delay, the necessary legislative and administrative measures to allow trade on that basis.

Article 6.7. Determination of Equivalence

1. Equivalence may be recognised in relation to an individual measure and/or groups of measures and/or systems applicable to a sector or sub-sector.

2. In the determination of equivalence, the Parties shall follow the consultation process of paragraph 3. This process shall include the objective demonstration of equivalence by the exporting Party and the objective assessment of this demonstration by the importing Party with a view to possibly recognising equivalence by the latter.

3. Upon request of the exporting Party concerning a measure or measures affecting one or mote sector(s) or sub-sector(s), the Parties shall, within three months after receipt by the importing Party of such request, initiate the consultation process which includes the steps set out in Appendix V. However, in case of multiple requests from the exporting Party, the Parties, on request of the importing Party, shall agree within the Sub-committee referred to in Article 6.15 on a time schedule in which they shall initiate the process referred to in this paragraph.

4. Unless otherwise mutually agreed, the importing Party shall finalise the assessment of equivalence within 180 days after having received from the exporting Party its demonstration of equivalence, except for seasonal crops when it is justifiable to delay the assessment to permit verification of phytosanitary measures during a suitable period of growth of a crop.

The sectors or sub-sectors of priority of each Party for which this process may be initiated, are to be set out, where appropriate, in order of priority in Appendix V.B. The Sub- committee referred to in Article 6.15 may amend, by means of decision, this list, including its order of priority.

5. The importing Party may withdraw or suspend equivalence on the basis of any amendment by one of the Parties of measures affecting equivalence, provided that the following procedures are followed:

(a) In accordance with the provisions of Article 6.12, the exporting Party shall inform the importing Party of any proposal for amendment of its measures for which equivalence of measures is recognised and the likely effect of the proposed measures on the equivalence which has been recognised. Within 30 working days of receipt of this information, the importing Party shall inform the exporting Party whether or not equivalence would continue to be recognised on basis of the proposed measures.

(b) In accordance with the provisions of Article 12, the importing Party shall inform the exporting Party of any proposal for amendment of its measures on which recognition of equivalence has been based and the likely effect of the proposed measures on the equivalence which has been recognised. Should the importing Party not continue to recognise equivalence, the Parties may agree on the conditions to re- initiate the process referred to in paragraph 3 on the basis of the proposed measures.

6. Without prejudice to Article 6.14, the importing Party may not withdraw or suspend equivalence before the proposed new measures of either Party enter into force.

7. The recognition or withdrawal or suspension of equivalence rests solely with the importing Party acting in accordance with its administrative and legislative framework including, as regards plants, plant products and other goods, appropriate communications in accordance with FAO International Standard for Phytosanitary Measures No 13 âGuidelines for the notification of non-compliances and emergency actionâ and other International Standards for Phytosanitary Measures, as appropriate. That Party shall provide to the exporting Party in writing full explanation and supporting data used for the determinations and decisions covered by this Article. In case of non-recognition, withdrawal or suspension of equivalence, the importing Party shall indicate to the exporting Party the required

conditions on which the process referred to in paragraph 3 may be reinitiated.

Article 6.8. Transparency and Trade Conditions

1. The Parties agree to apply general import conditions. Without prejudice to the decisions taken in accordance with Article

6.6, the import conditions of the importing Party shall be applicable to the total territory of the exporting Party. Upon entry into force of this Chapter and in accordance with the provisions of Article 6.12, the importing Party shall inform the exporting Party of its sanitary and phytosanitary import requirements. This information shall include, as appropriate, the models for the official certificates or attestations, as prescribed by the importing Party.

2. (a) For the notification by the Parties of amendments or proposed amendments of the conditions referred to in paragraph 1, they shall comply with the provisions of the SPS Agreement and subsequent decisions, as regards notification of measures. Without prejudice of the provisions of Article 6.14, the importing Party shall take into account the transport time between the Parties to establish the date of entering into force of the amended conditions referred to in paragraph 1.

(b) If the importing Party fails to comply with these notification requirements, it shall continue to accept the certificate or attestation guaranteeing the previously applicable conditions until 30 days after entering into force of the amended import conditions.

3. Once Chile grants access to one or more European Union sector(s) or sub-sector(s) in accordance to the conditions referred to in paragraph 1, Chile shall approve the subsequent European Union Member States export requests on the basis of a comprehensive dossier of information available to the European Commission (the Country profile), unless Chile requests additional information in limited specific circumstances when deemed appropriate.

4. (a) Within 90 days after recognition of equivalence, the Parties shall take the necessary legislative and administrative measures to implement the recognition of equivalence in order to allow on that basis trade between them in sectors and sub-sectors, for which all respective sanitary and phytosanitary measures of the exporting Party are recognised as equivalent by the importing Party. For these commodities, the model for the official certificate or official document required by the importing Party may, then, be replaced by a certificate drawn up as provided for in Appendix VII.B.

(b) For commodities in sectors or sub-sectors for which one or some but not all measures are recognised as equivalent, trade shall continue on the basis of compliance with the conditions referred to in paragraph 1. Upon request of the exporting Party, the provisions of paragraph 5 shall apply.

5. Import shall not be subject to import licenses by the importing party.

6. For conditions affecting trade, upon request of the exporting Party, the Parties shall enter into consultations in accordance with the provisions of Article 6.15, in order to agree

on alternative or additional import conditions of the importing Party. Such alternative or additional import conditions may, when appropriate, be based on measures of the exporting Party recognised as equivalent by the importing Party. If agreed, the importing Party shall take the necessary legislative and/or administrative measures to allow import on that basis, within 90 days.

7. Approval of establishments for the import of animals, animal products, products of animal origin and animal by-products: for the import of animal products, upon request of the exporting Party accompanied by the appropriate guarantees, the importing Party shall approve establishments referred to in Appendix IV(2) which are situated on the territory of the exporting Party, without prior inspection of individual establishments. Such approval shall be consistent with the conditions and provisions set out in Appendix IV. Unless additional information is requested, the importing Party shall take the necessary legislative and/or administrative measures to allow import on that basis within 30 working days after the importing Party has received the request and guarantees.

The initial list of establishments shall be approved in accordance with the provisions of

Appendix IV.

8. Upon request of a Party, the other Party shall provide full explanation and supporting data for the determinations and decisions covered by this Article.

Article 6.9. Certification Procedures

1. For purposes of certification procedures, the Parties shall comply with the principles and criteria set out in Appendix VIILA.

2. Certificates or official documents referred to in Article 6.8(1) and (4) shall be issued as set out in Appendix VIILC.

3. The Sub-committee referred to in Article 6.15 may agree on rules to be followed in case of electronic certification, withdrawal or replacement of certificates.

Article 6.10. Verification

1. In order to maintain confidence in the effective implementation of the provisions of this Chapter, each Party, within the scope of this Chapter, shall have the right:

(a) to carry out, in accordance with the guidelines of Appendix VI, verification of all or part of the other Party's authoritiesâ total control programme. The expenses of such verification shall be borne by the Party carrying out the verification;

(b) from a date to be determined by the Parties, to receive on its request from the other Party submission of all or part of that Party's total control programme and a report concerning the results of the controls carried out under that programme;

(c) that, for laboratory tests related to commodities of animal origin, on request of one Party, the other Party shall participate in the periodical inter-comparative test programme for specific tests organised by the reference laboratory of the requesting Party. Such participation shall be borne by the participating Party.

2. Either Party may share the results and conclusions of its verifications with third countries, and make them publicly available.

3. The Sub-committee referred to in Article 6.15 may modify, by means of a decision, Appendix VI, taking due account of relevant work carried out by international organizations.

4. The results of verification may contribute to measures by the Parties or one of the Parties referred to in Articles 6.6, 6.7, 6.8 and 6.11.

Article 6.11. Import Checks and Inspection Fees

1. The Parties agree that import checks on importation by the importing Party of consignments from the exporting Party shall respect the principles set out in Appendix VIIA. The results of these checks may contribute to the verification process referred to in Article 6.10.

2. The frequencies of physical import checks applied by each Party are set out in Appendix VILB. A Party may amend these frequencies within its competences and in accordance with its internal legislation, as a result of progress made in accordance with Articles 6.7 and 6.8, or as a result of verifications, consultations or other measures provided for in this Chapter. The Sub-committee referred to in Article 6.15 shall by decision modify Appendix VILB accordingly.

3. Inspection fees may only cover the costs incurred in by the competent authority for performing import checks. They shall be equitable in relation to fees charged for the inspection of similar domestic products.

4. The importing Party shall inform the exporting Party of any amendment, including the reasons for these amendments concerning the measures affecting import checks and inspection fees and of any significant changes in the administrative conduct for such checks.

5. For the commodities referred to in Article 6.8(4)(a), the Parties may agree to reduce reciprocally the frequency of physical import checks.

6. From a date to be determined by the Sub-committee referred to in Article 6.15, the

Parties may agree on the conditions to approve each other's controls, with a view to adapt the frequency of import checks or replace import checks. These conditions shall be included in Appendix VI by a decision of the Sub-committee referred to in Article 6.15. From that date, the Parties may reciprocally approve each other's controls for certain commodities and, consequently reduce or replace the import checks for these commodities.

Article 6.12. Information Exchange

1. The Parties shall exchange information which is relevant for the implementation of this Chapter on a systematic basis, for developing standards, for providing assurance, for engendering mutual confidence and for demonstrating the efficacy of the programmes controlled. Where appropriate, this exchange of information may include exchanges of officials.

2. The Parties shall also exchange information on other relevant topics including:

(a) significant events concerning commodities covered by this Chapter, including information exchange provided for in Articles 6.7 and 6.8;

(b) the results of verification procedures provided for in Article 6.10;

(c) the results of import checks provided for in Article 6.11 in the case of rejected or non-compliant consignments of animals and animal products;

(d) scientific opinions, relevant to this Chapter and produced under the responsibility of a Party;

(e) rapid alerts relevant to trade within the scope of this Chapter.

3. The Parties shall provide for the submission of scientific papers or data to the relevant scientific fora to substantiate any views or claims made in respect of a matter arising under this Chapter. Such information shall be evaluated by the relevant scientific fora in a timely manner, and the results of that examination shall be made available to both Parties.

4. When the information referred to in this Article has been made available by notification to the WTO in accordance with the relevant rules or when the above information has been made available on the official, publicly accessible and fee-free web-sites of the Parties, the information exchange shall be considered to have taken place.

In addition, for pests of known and immediate danger to the other Party, direct communication to the relevant Party shall be sent by mail or e-mail. The guidance provided by FAO International Standard for Phytosanitary Measures No 17 âPest reportingâ shall be followed.

5. The exchange of information referred to in this Article shall be made between the Parties through e-mail, fax or mail.

Article 6.13. Notification and Consultation

1. Each Party shall notify the other Party in writing within two working days of any serious or significant public, animal or plant health risk, including any food control emergencies or situations where there is a clearly identified risk of serious health effects associated with the consumption of animal or plant products and in particular concerning:

(a) any measures affecting regionalisation decisions referred to in Article 6.6;

(b) the presence or evolution of any animal disease or pests listed in Appendix ILA. and ILB.;

(c) findings of epidemiological importance or important associated risks with respect to animal diseases and pests which are not in Appendix ILA. and ILB. or which are new animal diseases or pests; and

(d) any additional measures beyond the basic requirements of their respective measures taken to control or eradicate animal diseases or pests or protect public health and any changes in prophylactic policies, including vaccination policies.

2. (a) Notifications shall be made between the Parties.

(b) Written notification means notification by e-mail or mail. Notifications by e- mail shall only be sent between the Parties.

3. Where a Party has serious concerns regarding a risk to public, animal or plant health, consultations regarding the situation shall, on request, take place as soon as possible and, in any case, within 13 working days. Each Party shall endeavour in such situations to provide all the information necessary to avoid a disruption in trade, and to reach a mutually acceptable solution consistent with the protection of public, animal or plant health.

4. Upon request of a Party, consultations regarding animal welfare shall take place as soon as possible and, in any case, within 20 working days. Each Party shall endeavour, in such situations, to provide all the requested information.

5. Upon request of a Party, consultations referred to in paragraphs 3 and 4 shall be held by video or audio conference. The requesting Party shall ensure the preparation of the minutes of the consultation, which shall be formally approved by the Parties. For purposes of this approval, the provisions of Article 6.12(5) shall apply.

Article 6.14. Safeguard Clause

1. Should the exporting Party take domestic measures to control any cause likely to constitute a serious hazard to human, animal and plant health, the exporting Party, without

prejudice to the provisions of paragraph 2, shall take equivalent measures to prevent introduction of the hazard into the territory of the importing Party.

2. The importing Party may, on serious public, animal or plant health grounds, take provisional transitional measures necessary for the protection of public, animal or plant health. For consignments in transport between the Parties, the

importing Party shall consider the most suitable and proportional solution in order to avoid unnecessary disruptions to trade.

3. The Party taking the measures shall notify the other Party thereof within one working day of the decision to implement them. Upon request of either Party, and in accordance with the provisions of Article 6.13(3), the Parties shall hold consultations regarding the situation within 13 working days of the notification. The Parties shall take due account of any information provided through such consultations and shall endeavour to avoid unnecessary disruption to trade, taking into account, where applicable, the outcome of the provisions of Article 6.13(3).

Article 6.15. Sub-committee on Sanitary and Phytosanitary Measures

1. The Parties establish a Sub-committee on Sanitary and Phytosanitary Measures. This Sub-committee shall be composed for representatives of the European Union and Chile with responsibilities on Sanitary and Phytosanitary matters.

2. The Sub-Committee will:

(a) monitor the implementation of this Chapter and its Appendix and consider any matter relating to this Chapter, and examine all matters which may arise in relation to its implementation;

(b) make recommendations for modifications to this Chapter and its Appendix notably in the light of progress made under the consultations and procedures provided for under this Chapter.

3. The Sub-committee will agree on the actions to put in place in pursuing the objective of this Chapter with objectives and millestones for these actions. The Sub-committee will evaluate the results of the implementation of the actions agreed.

4. The Sub-committee will agree to establish technical working groups, when appropriate, consisting of expert-level representatives of the Parties, which shall identify and address technical and scientific issues arising from the application of this Chapter.

5. The Sub-committee may recommend to the Trade Council the adoption of specific working procedures for this Sub-committee in view of the specificity of the SPS matters.

Article 6.16. Working Cooperation In Multilateral Fora

1. The Parties shall promote working cooperation in all the multilateral fora relevant for SPS issues, in particular in international standard setting bodies recognised in the framework of the WTO/SPS Agreement.

2. The Sub-committee established in Article 6.15 shall be the forum to exchange information and cooperate in the field of matters covered by paragraph 1.

Article 6.17. Cooperation on Food Safety, Animal Health and Plant Protection Science

1. The Parties should endeavor to facilitate the scientific cooperation between the responsible bodies of the Parties for the scientific evaluation in the food safety, animal health and plant protection fields.

2. The Parties could create a Technical Working Group on the scientific cooperation established in paragraph 1 consisting of expert level representatives of the scientific bodies appointed by each Party.

3. The SPS Sub-committee established under Article 6.15 shall define the mandate, scope and work programme of this technical working group.

4. The working group would exchange information, inter alia, on: a. Scientific and technical information b. Data collection.

5. The Parties shall ensure that the work carried out by this technical working group will not endanger the independency of their respective national or regional agencies.

6. The Parties shall also ensure that the experts they have designated do not have conflict of interests under their respective domestic law and legislation.

Article 6.18. Territorial Applicationâ

? This provision should remain in this chapter without prejudice to the horizontal provisions of the agreement. In any case, it should take into account the territories defined in the EU SPS legislation.

Chile NOTE: Do not understand the links between the definition of territory and the EU SPS legislation, therefore we suggest the following wording for better understanding:

1. This Chapter shall apply, on the one hand, as regards animals and animal products, plants and plant products and other goods to the territories of Member States of the Union and, on the other hand to the territory of the Republic of Chile.

For the Union

The territories of Member States of the Union as laid down in Annex I to Regulation (EU) 2017/625 and as regards plants, plant products and other goods in Article lof Regulation (EU) 2016/2031).

For Chile As provided for in Article XXX of the Association Agreement.

2. The Parties understand that as regards the territory of the European Union, its specifity shall be taken into account recognizing the EU as a single entity.

? This provision should remain in this chapter without prejudice to the horizontal provisions of the agreement. In any case, the definition of territory of the agreement should be taken into account.

EU NOTE: As stated in the current Agreement, the EU territory for SPS matters is establish in the relevant legislation for animals and products of animal origin in one side and for plants, plant products and other goods in another side. We suggest the following drafting:

? This provision should remain in this chapter without prejudice to the horizontal provisions of the agreement. In any case, the definition of the EU territory should take into account the territories defined in the EU SPS legislation.

Chapter 7. COOPERATION ON SUSTAINABLE FOOD SYSTEMS

Article 7.1. Objective

1. The objective of this Chapter is to establish close cooperation to engage in the transition towards sustainable food systems. The Parties, recognise the importance of strengthening policies and defining programmes that contribute to the development of sustainable, inclusive, healthy and resilient food systems and the role of the trade in pursuing this objective.

2. This Chapter will be applied without prejudice of the provisions of other Chapters of this Agreement related to food systems or to the sustainability. In particular: Chapter on Sanitary and Phytosanitary Measures (SPS), Technical Barriers to Trade (TBT) and on Trade and Sustainable Development (TSD).

Article 7.2. Scope

1. This Chapter shall apply to the cooperation between the Parties to improve the sustainability of their respective food systems.

2. This Chapter includes provisions for cooperation on specific aspects of sustainable food systems, such as the sustainability of the food chain and reduction of food loss and waste, the fight against food fraud along the food chain, animal welfare, fight against antimicrobial resistance and the reduction of the use of fertilizers and chemical pesticides for which a risk assessment has shown that they cause unacceptable risks for health or the environment.

3. This chapter will also apply to the cooperation of the Parties in multilateral fora.

Article 7.3. Definition

1. A sustainable food system (SFS) is a food system that delivers food security, safety and nutrition for all in such a way that the economic, social and environmental bases

to generate food security and nutrition for future generations are not compromised. This means that: It is profitable throughout (economic sustainability); it has broad- based benefits for society (social sustainability); and it has a positive or neutral impact on the natural environment (environmental sustainability), including on climate change.

2. For the purpose of this chapter the parties understand that:

a) The food chain includes all the steps from primary production to final consumer, including production, processing, manufacturing transport, import, storage, distribution, and sale to final consumer.

b) Primary production includes rearing or growing of primary products including harvesting, milking and farm animal production prior to slaughter; as well as hunting, fishing and the harvesting of wild products.

Article 7.4. Sustainability of Food Chain and Reduction In Food Loss and Waste

1. The Parties recognize the interlinkage between current food systems and climate change. Therefore, the Parties agree to cooperate in reducing the adverse environmental and climate effects of food systems as well as strengthening their resilience.

2. The Parties recognize that food loss and waste have a negative impact on the social, economic, and environmental dimensions of food systems.

3. To achieve these objectives the Parties will cooperate, inter alia in the following areas.

a) Sustainable food production, including agriculture, improve animal welfare and promote organic farming and the reduction of the use of antimicrobials and fertilizers and chemical pesticides for which a risk assessment has shown that they imply unacceptable risk for health or the environment.

b) Sustainability of the food chain and its, the sustainable food production and its processing methods and practices

c) Healthy and sustainable diets, reducing the carbon footprint of consumption.

d) The decrease of the greenhouse gas emissions of food systems, increase carbon sinks and reverse biodiversity loss.

e) Innovation and technologies that contribute to adaptation and resilience to climate change impacts.

f) Develop contingency plans to ensure the security of the food supply in times of crisis,

g) Reduce food loss and waste in line with the SDG target 12.3

4. The Parties undertake to exchange information, expertise and experiences in the above fields, including through research and innovation cooperation.

Article 7.5. Fight Against Fraud along the Food Chain

The Parties recognise that fraud may affect the safety of the food chain, jeopardises the sustainability of food systems and undermines fair commercial practice, consumer confidence and resilience of food markets. The Parties agree to cooperate to detect and prevent food fraud.

The Parties undertake to exchange information, and experiences to improve the detection and counter food fraud, and to provide the assistance necessary to gather evidence of practices that are or appear to be non-compliant with their rules and/or that pose a risk to health of humans, animals or plants or the environment or mislead customers.

Article 7.6. Animal Welfare

The Parties recognise that animals are sentient beings and that the use of animals in food production systems comes with a responsibility for their wellbeing. They undertake to respect trade conditions for farmed animals and animal products that are aimed to protect animal welfare.

The Parties aim at reaching a common understanding on the international animal welfare standards of the World Organisation for Animal Health (OIE).

They will cooperate on the development and implementation of animal welfare standards on the farm, during transport, at slaughter and killing of animals, based on the Parties legislation.

4. Other areas of work may be addressed by the Subcommittee established in Article 7.8.

5. The Parties undertake to exchange information, expertise and experiences in the field of animal welfare.

6. The Parties will strengthen their research collaboration in the area of animal welfare to further develop science-based animal welfare standards.

7. The Parties undertake to cooperate in the OIE and in any other international fora in which the Parties agree with the aim to promote the further development of animal welfare standards and best practices and their implementation.

8. The Parties may establish a Technical Working Group to support the implementation of this Article under the Subcommittee established in Article 7.8.

Article 7.7. Fighting Antimicrobial Resistance

1. The Parties recognise that antimicrobial resistance is a serious threat to human and animal health and that the use, especially the misuse and overuse of antimicrobials in animals contributes to the overall development of antimicrobial resistance, which represents a major risk to public health. The Parties recognise that the nature of the threat is transnational.

2. The Parties agree to phase out the use of antibiotics as growth promoters. 3. The Parties, in accordance with One Health approach will:

1. Consider existing and future guidelines, standards, recommendations, and actions developed in relevant international organisations, where both parties agreed on, to develop initiatives and national plans aiming to promote the prudent and responsible use of antimicrobials in animal production and in veterinary practice.

2. Promote on instances jointly decided the responsible and prudent use, including, reduce the use of antimicrobials in animal production and phase-out the use of antimicrobials as growth promoters in animal production, and

3. Support the development of the international action plans on the fight against antimicrobial resistance and their further implementation when both parties consider appropriate.

4. The Parties could establish a Technical Working Group to support the implementation of this Article under the Subcommittee established in Article 7.8.

Article 7.8. The Subcommittee

. By way of derogation from article XX, the SPS Subcommittee when dealing with matters covered by this chapter, shall be composed for representatives of the European Union and Chile with responsibilities for sustainable food systems. This subcommittee shall then be called the Subcommittee on Sustainable Food Systems.

. The Subcommittee shall monitor the implementation of this Chapter and examine all matters, which may arise in relation to its implementation.

. The Subcommittee will agree every year on the actions to put in place in pursuing the objectives of this chapter. To monitor the progress achieved by the parties in establishing sustainable food systems, the Subcommittee will establish objectives and milestones for these actions. The Subcommittee will evaluate every year the results of the implementation of the actions agreed the previous year

. When appropriate, the Parties agree to establish technical working groups consisting of expert-level representatives of the Parties, which shall identify and address technical and scientific issues arising from the application of this Chapter.

Article 7.9. Cooperation In Multilateral Fora

. The Parties undertake to cooperate as appropriate, in multilateral fora to foster the global transition towards sustainable food systems that contribute to the achievement of internationally agreed environmental, nature and climate protection objectives.

. The Subcommittee established in Article 7.8 shall be the forum to exchange information

and cooperate in the field of matters covered by paragraph 1.

Article 7.10. Additional Provisions. the Parties Shall Ensure That the Activities of the Subcommittee Referred to In Article 7.8

do not endanger the independence of their respective national or regional agencies. The Subcommittee shall establish rules mitigating potential conflicts of interest for the participants of its meetings and those of any technical working group reporting to it.

2. Nothing in this Chapter shall affect the rights and obligations of each Party to protect confidential information, in accordance with each Party's relevant legislation. Each Party shall ensure that procedures are in place to prevent the

disclosure of confidential information that is acquired during the process established in this Chapter.

3. Fully respecting the Partiesâ right to regulate, nothing in this Chapter shall be construed to oblige a Party to: a) modify its import requirements; b) deviate from domestic procedures for preparing and adopting regulatory measures; c) take action that would undermine or impede the timely adoption of regulatory measures to achieve its public policy objectives; or d) adopt any particular regulatory outcome.

Chapter 8. ENERGY AND RAW MATERIALS

Article 8.1. Objective

The objective of this Chapter is to promote dialogue and cooperation in the energy and raw material sectors to Partiesâ mutual benefit, to foster sustainable and fair trade and investment ensuring a level playing-field in those sectors, and to strengthen competitiveness of related value chains including value addition in accordance with the provisions of this Agreement.

Article 8.2. Principles

1. Each Party retains the sovereign right to determine whether areas within its territory, as well as in the exclusive economic zone, are available for exploration, production and transportation of energy goods and raw materials.

2. In accordance with the provisions of this Chapter, the Parties reaffirm the right to regulate within their respective territories to achieve legitimate policy objectives in the area of energy and raw materials.

Article 8.3. Definitions

For the purposes of this Chapter:

(a)"Energy goods" means the goods from which energy is generated listed by the corresponding HS code in Annex I to this Chapter;

(b)"Raw Materials" means substances used in the manufacturing of industrial products; including ores, concentrates, slags, ashes and chemicals; processed and unwrought, and

refined raw materials; metal waste; scrap and remelting scrap; covered by the HS chapters included in [List of Raw Materials by HS code] of Annex 1 to this Chapter;

(c)"Hydrocarbons" means the goods listed by the corresponding HS code in Annex I to this Chapter;

(d)"Renewable energy" means energy produced from solar, wind, hydro, geothermal, biological, and ocean sources and other renewable ambient sources;

(e)"Standards" means [as defined in the TBT Chapter];

(f) "Technical regulations" means [as defined in the TBT Chapter];

(g)"Authorisation" means the permission, license, concession or similar administrative or contractual instrument by which the competent authority of a Party entitles an entity to exercise a certain economic activity in its territory in compliance with the requirements in the authorization.

(hb) âsystem operatorâ means:

for the European Unidn:

a natural or legal person who is responsible for operating, ensuring the maintenance and development of the electricity distribution or transmission system in a given area and for ensuring the long-term ability of such systems.

For Chile:

an independent body responsible for coordinating the operation of interconnected electrical systems, that ensures the efficient economic performance and safety and reliability of the electric system, and provides open access to the transmission system.

(i) âBalancingâ means all actions and processes, in all timelines, through which network operators ensure, in a continuous

way, maintenance of the system frequency within a

predefined stability range and compliance with the amount of reserves needed with respect to the required quality;

(j) 'renewable fuelsâ means biofuels, bioliquids, biomass fuels and renewable fuels of non- biological origin, including renewable synthetic fuels and renewable hydrogen.

Article 8.4. Import and Export Monopolies

No Party shall designate or maintain a designated import or export monopoly. For the purposes of this Article, import or export monopoly means the exclusive right or grant of authority by a Party to an entity to import energy goods or raw materials from, or export energy goods or raw materials to, the other Partyâ.

Article 8.5. Export Pricingâ

(1) A Party shall not impose a higher price for exports of energy goods or raw materials to the other Party than the price charged for such good when destined for the domestic market, by means of any measure, such as licenses or minimum price requirements.

(2) Notwithstanding paragraph 1 of this Article, Chile may introduce or maintain measures with the objective to foster value addition, by supplying industrial sectors at preferential prices of raw materials so they can emerge within Chile provided that such measures satisfy the conditions set out in Annex II to this Chapter.

Article 8.6. Domestic Regulated Prices

1. The Parties recognise the importance of competitive energy markets to deliver a wide choice in the supply of energy goods and to enhance consumers welfare. The Parties also recognise that regulatory needs and approaches may differ between markets.

' For greater certainty, this article is without prejudice to provisions in the Trade in Services, Investment and State-owned enterprises, enterprises granted special rights or privileges, and designated monopolies Chapters and their respective Schedules, and does not include a right that results from the grant of an intellectual property right.

? For greater certainty, this article is without prejudice to the Annex XXX (ENAP) of Chapter 22 (State owned enterprises, enterprises granted special rights or privileges and designated monopolies).

2. Further to paragraph 1, as determined by a Partyâs domestic laws and regulations, each Party shall ensure that the supply of energy goods shall be based on market principles.

3. A Party may only regulate the price charged for the supply of energy goods by imposing a public service obligation.

4. If imposing a public service obligation, that Party shall ensure that the obligation is clearly defined, transparent, non-discriminatory, and does not go beyond what is necessary to achieve the objectives of the public service obligation.

Article 8.7. Authorisation for Exploration and Production of Energy Goods and Raw Materials

1. [Without prejudice [Domestic Regulation],] If a Party requires an authorisation to explore or produce energy goods and raw materials, that Party shall ensure that such authorisation is granted following a public and non-discriminatory procedureâÂ®.

2. That Party shall publish, inter alia, the type of authorisation, the relevant area or part thereof, and the proposed date or time limit for granting the authorisation, in such a manner as to enable potentially interested applicants to submit applications.

3. A Party may derogate from paragraph 2, of this Article, and [Domestic Regulation] in any of the following cases relating to hydrocarbons:

a) the area has been subject to a previous procedure which has not resulted in an authorisation being granted;

b) the area is available on a permanent basis for the exploration for or production; or

c) the authorisation granted has been relinquished before its date of extinction.

4. Each Party may require an entity which has been granted an authorisation to pay a financial contribution or a contribution in kind. The contribution shall be fixed in such a manner so as not to interfere with the management and the decision-making process of the entity which has been granted an authorisation.

3 For greater certainty, in the event of any inconsistency between this Article and [Investment Chapter] and [Services Chapter] and their respective annexes, those Chapters and annexes shall prevail with regard to any such inconsistency.

5. Each Party shall ensure that the applicant is provided with the reasons for the rejection of its application so as to enable such a person to have recourse to procedures for appeal or review where necessary. The procedures for appeal or review shall be made public in advance.

Article 8.8. Assessment of Environmental Impact

1. Each Party shall ensure that an assessment of environmental impactâ is carried out prior to granting authorization for a project or activity relating to energy or raw materials that may have a significant impact on population; human health; biodiversity; land, soil, water, air or climate; and cultural heritage or landscape. This assessment shall identify and assess those significant impacts.

2. Each Party shall ensure that relevant information is available to the public as part of the process for the assessment of environmental impact, and give time and opportunities to the public to participate in and provide comments therein.

3. Each Party shall publish and take into account the findings of the assessment of environmental impact prior to granting the authorization for the project or activity.

Article 8.9. Third-party Access to Energy Transport Infrastructure

1. Each Party shall ensure that system operators in its territory grant non-discriminatory access to the energy infrastructure for the transport of electricity to any [undertakings] of the Parties. To the furthest extent possible, access to the electricity infrastructure shall be granted within a reasonable period of time from the date of the request for access by that entity.

2. Each Party shall enable, in accordance with its laws and regulations, undertakings of the Parties are accorded access to and use of electricity transport infrastructure for the transport of electricity on reasonable and non-discriminatory terms and conditions, including non- discrimination between types of electricity sources, and at cost-reflective tariffs. Each Party shall publish the terms, conditions for the access to and use of electricity transport infrastructure.

âTn the case of Chile, âassessment of environmental impactâ means the study of the environmental impact, as defined in Law 19.300 Title 1, Article 2, literal (i), or its successor, and as regulated by Article 11 of the same Law.

3. Notwithstanding paragraph 1 of this Article, a Party may introduce or maintain in its laws and regulations specific derogations from the right to third party access based on objective criteria provided that they are necessary to fulfil a legitimate policy objective. Such derogations shall be published before they start to apply.

4. The Parties recognise the relevance of the rules set out in paragraphs 1 to 3 also for gas infrastructure. A Party that does not apply such rules with regard to gas infrastructure shall endeavour to do so notably with regard to transport of renewable fuels, while acknowledging differences in market maturity and organisation.

Article 8.10. Access to Infrastructure for Producers of Electricity Generated from Renewable Energy Sources

1. Without prejudice to the commitments taken by the Parties in [Articles 8.5 (Authorisation for exploration and production of energy goods and raw materiasl), 8.7 (Third party access to energy transport infrastructure) and 8.9 (Independent body)], each Party shall ensure that renewable energy suppliers of the other Party are accorded access to and use of the electricity network for renewable electricity generation facilities located within its territory on reasonable and non-discriminatory terms and conditions.

2. For the purposes of paragraph 1, each Party shall ensure as determined by its domestic laws and regulations, that its transmission undertakings and system operators, with respect to renewable electricity suppliers of the other Party:

a) enable a connection to be established between new renewable electricity generation facilities and the electricity network without imposing discriminatory terms and conditions;

b) enable the reliable use of the electricity network; c) provide balancing services; and

d) ensure that appropriate grid and market-related operational measures are in place in order to minimise the curtailment of electricity produced from renewable energy sources.

3. Paragraph 2 is without prejudice to each Party's legitimate right to regulate in order to achieve certain public policy goals, such as the need to maintain the secure operation and stability of the electricity system, based on objective and non-discriminatory criteria.

Article 8.11. Independent Body1. Each Party Shall Maintain or Establish an Functionally Independent Body or Bodies That:

Gi) fixes or approves the terms, conditions and tariffs of access to and use of the electricity network; and

(ii) resolves disputes, within a reasonable period of time, regarding appropriate terms, conditions and tariffs of access to and use of the electricity network.

2. For purposes of paragraph 1, in performing those duties and exercising those powers, the body or bodies shall act transparently and impartially with regard to users, owners and operators of the electricity network.

Article 8.12. Cooperation on Standards

1. With a view to preventing, identifying and eliminating unnecessary technical barriers to trade in energy goods and raw materials, the provisions contained in [TBT Chapter] shall apply to these goods.

2. In accordance with Article [X.X (International Standards)] and Article [X.X (Regulatory Cooperation)] of Chapter [TBT Chapter], the Parties shall as appropriate promote cooperation between their relevant regulatory and standardization bodies in area such as energy efficiency, sustainable energy, and raw materials, with a view to contributing to trade, investment, and sustainable development, inter alia, through:

a) the convergence or harmonisation, where possible, of their respective current standards, based on mutual interest and reciprocity, and according to modalities to be agreed by the regulators and the standardisation bodies concerned;

b) joint analysis, methodologies and approaches, where possible, to assist and facilitate the development of relevant tests and measurement standards, in cooperation with the relevant respective standardisation organisations;

c) the development of common standards, where possible, on energy efficiency and renewable energy; and

d) the promotion of standards on raw materials, renewable energy generation and energy efficiency equipment, including product design and labeling, where appropriate, through existing international cooperation initiatives.

3. For the purposes of implementing this Chapter, the Parties aim to encourage the development and use of open standards and interoperability of networks, systems, devices, applications, or components in the energy and raw materials sector.

Article 8.13. Research, Development and Innovation

1. Recognising that research, development and innovation are key elements to further develop efficiency, sustainability and competitiveness in the energy and raw material sectors, the Parties agree to cooperate as appropriate, inter alia, in:

a) promoting the research, development, innovation and dissemination of environmentally sound and cost-effective technologies, processes and practices in the areas of energy and raw materials;

b) promoting value addition to the mutual benefit of the Parties and enhancement of productive capacity in energy and raw materials; and

c) strengthening capacity building in the context of research, development and innovation initiatives.

Article 8.14. Cooperation on Energy and Raw Materials

1. The Parties shall as appropriate cooperate in the area of energy and raw materials with a view to, inter alia:

a) reduce or eliminate measures that in themselves or together with other measures could distort trade and investment, including of a technical, regulatory, and economic nature affecting energy or raw materials;

b) discuss, whenever possible, their positions in international fora where relevant trade and investment issues are discussed

and foster international programmes in the areas of energy efficiency, renewable energy and raw materials;

c) promote responsible business conduct in accordance with international standards that have been endorsed or are supported by the Parties, such as the OECD

Guidelines for Multinational Enterprises and in particular its Chapter IX on Science and Technology;

Thematic cooperation on Energy

2. Recognising the need to accelerate the deployment of renewable and low carbon energy sources, increase energy efficiency and promote innovation to ensure access to safe, sustainable and affordable energy, the Parties agree to cooperate on any relevant issue of mutual interest, such as:

a) renewable energy particularly with regards to technologies, integration into and access to the electricity system, storage and flexibility, and the whole renewable hydrogen supply chain;

b) energy efficiency, including regulation, best practices, and efficient and sustainable heating and cooling systems;

c) electromobility and charging infrastructure deployment; and

d) open and competitive energy markets,

Thematic cooperation on Raw Materials

3. Recognising their shared commitment to responsible sourcing and sustainable production of raw materials and their mutual interest to facilitate the integration of raw materials value chains, the Parties agree to cooperate on any relevant issue of mutual interest, such as:

a) responsible mining practices and raw materials value chains sustainability, including the contribution of the raw materials value chains to the fulfilment of the UN Sustainable Development Goals;

b) raw materials value chains, including value addition; c) identification of areas of common interest for cooperation on research,

development, and innovation activities covering the entire raw materials value chain, including cutting-edge technologies, smart mining and digital mines.

4. Cooperation activities will be developed taking into account available resources. Activities can be carried out in person or by any technological means available to the Parties.

5. Cooperation activities can be developed and implemented with the participation of international organizations, global fora, research institutions, as agreed between the Parties.

6. The Parties shall, as appropriate when implementing this Article, foster proper coordination with regard to the implementation of Articles [X.X Cooperation on Raw Materials] and [X.X Cooperation on Energy] of the [Political Title of this Agreement].

Article 8.15. Energy Transition and Renewable Fuels

1. For the purposes of implementing this Chapter, the Parties recognize the important contribution that renewable fuels, inter alia, renewable hydrogen, including their derivatives, and renewable synthetic fuels, in reducing greenhouse gas emissions to address climate change.

2. In accordance with Article 8.10 (Cooperation on Standards), paragraph 2, the Parties shall, as appropriate, cooperate on convergence or harmonization where possible of certification schemes for renewable fuels, such as with regard to lifecycle emissions and safety standards.

3. Regarding renewable fuels, the Parties shall also cooperate with a view to:

(a) identify, reduce, and eliminate, as appropriate, measures that may distort bilateral trade, including of a technical, regulatory and economic nature.

(b) foster bilateral trade facilitating initiatives to promote the production of renewable hydrogen.

(c) promote the use of renewable fuels considering their contribution to the reduction of greenhouse gas emissions.

4. Furthermore, the Parties shall, as appropriate, encourage the development and implementation of international standards and regulatory cooperation with respect to renewable fuels and cooperate in relevant international fora with a view to develop relevant certification schemes that avoid the emergence of unjustified barriers to trade.

Article 8.16. Exception for Small and Isolated Electricity Systems

1. For the purposes of implementing this Chapter, the Parties recognize that their laws and regulations may provide for special regimes for small and isolated electric systems.

2. Pursuant to paragraph 1, a Party may maintain, adopt or enforce measures with regard to small and isolated electricity systems that derogate from Articles 8.4 (Domestic regulated prices), 8.5 (Authorisation for exploration and production of energy goods and raw materials), 8.7 (Third-party access to energy transport infrastructure); 8.8 (Access to infrastructure for producers of electricity generated from renewable energy sources), and 8.9

(Independent body), provided that such measures do not constitute disguised restrictions to trade or investment between the Parties.

Article 8.17. Role of the Trade In Goods Sub-Committee In Implementing the Energy and Raw Materials Chapter

1. The Sub-Committee on Trade in Goods established by Article X.4 of [Sub-Committees of part IM of this Agreement] shall be the body responsible for the implementation of this Chapter. The functions set out in points (a), (c), (d), (e) and (i) of Article X.18 of the Chapter on Trade in Goods shall apply to this Chapter mutatis mutandis.

2. Consistent with Articles 8.10 (Cooperation on Standards), 8.11 (Research, development and innovation), Article 8.12 (Cooperation on Energy and Raw Materials) and Article 8.13 (Energy transition and renewable fuels), if mutually agreed by the Parties, recommend to establish or facilitate other means of cooperation between them in the areas of energy and raw materials.

3. Upon to the agreement of the Parties, the Trade in Goods Committee shall meet in sessions dedicated to the implementation of this Chapter. When preparing such sessions, each Party may consider, as appropriate, inputs from of relevant stakeholders or experts.

4. Each Party shall designate a contact point to facilitate the implementation of this Article, including by ensuring the appropriate involvement of representatives of that Party, notify the other Party of its contact details and promptly notify the other Party of any changes to those contact details. For the EU, the contact point shall be the notified contact point for the Trade in Goods Committee. For Chile, the contact point shall be from the Under-Secretariat of International Economic Relations of the Ministry of Foreign Affairs or its successor.

Chapter 9. TECHNICAL BARRIERS TO TRADE

Article 9.1. Objective

The objective of this Chapter is to enhance and facilitate trade in goods between the Parties by preventing, identifying and eliminating unnecessary technical barriers to trade andpromoting greater regulatory cooperation.

Article 9.2. Scope

1. This Chapter applies to the preparation, adoption and application of all standards, technical regulations and conformity assessment procedures as defined in Annex 1 ofthe TBT Agreement which may affect trade in goods between the Parties.

2. Notwithstanding paragraph 1, this Chapter does not apply to:

(a) purchasing specifications prepared by governmental bodies for production or consumption requirements of such bodies and shall be covered by Chapter XX (Government Procurement).]

(b) sanitary and phytosanitary measures which are covered by Chapter 6 (Sanitary and Phytosanitary Measures)

Article 9.3. Incorporation of Certain Provisions of the TBT Agreement

1. Articles 2 to 9 and Annexes 1 and 3 of the TBT Agreement are incorporated into and made part of this Agreement, mutatis

mutandis.

Article 9.4. International Standards

1. International standards developed by the organisations listed in Annex [X] (Title) shall be considered to be the relevant international standards within the meaning of Article 2,Article 5 and Annex 3 of the TBT Agreement provided that in their development these organisations have complied with the principles and procedures set out in the Decision of the WTO Committee on Technical Barriers to Trade on Principles for the Development of International Standards, Guides and Recommendations with Relation to Article 2, Article 5 and Annex 3 of the TBT Agreement.

2. At the request of either Party the Trade Committee shall consider updating the list of Annex [X] (Title).

Article 9.5. Technical Regulations

1. The parties recognize the importance of carrying out, in accordance with its respective tules and procedures, a regulatory impact assessment of planned technical regulations.

2. The Parties shall assess the available regulatory and non-regulatory alternatives to the proposed technical regulation that may fulfil the Partyâs legitimate objectives, in accordance with Article 2.2 of the TBT Agreement.

3. The Parties shall use relevant international standards as a basis for their technical regulations except when the Party developing the technical regulation can demonstrate that such international standards would be an ineffective or inappropriate means for the fulfilment of the legitimate objectives pursued.

4. Ifa Party has not used international standards as a basis for its technical regulations, a Party shall, on request from the other Party, identify any substantial deviation from the relevant international standard and explain the reasons why such standards have been judged inappropriate or ineffective for the aim pursued, and provide the scientific or technical evidence on which this assessment is based.

5. In addition to Article 2.3 of the TBT Agreement, each Party shall review, in accordance with its respective rules and procedures, their technical regulations to increase their convergence with relevant international standards. The Parties shall, inter alia, take into account any new development in the relevant international standards and whether the circumstances that have given rise to divergences from any relevant international standard continue to exist.

Article 9.6. Regulatory Cooperation

1. The Parties recognise that a broad range of regulatory cooperation mechanisms exist that can help eliminate or avoid the creation of technical barriers to trade.

2. A Party may propose to the other Party sector specific regulatory cooperation activities in areas covered by this Chapter. Those proposals shall be transmitted to the Chapter Contact Point and shall consist of:

a) information exchanges on regulatory approaches and practices, or

b) initiatives to further align technical regulations and conformity assessment procedures with relevant international standards.

The other Party shall reply to the proposal in a reasonable time.

[The Parties/TBT Contact Points] shall inform the Trade Committee about the cooperation activities carried out under this article.

. The Parties shall endeavour to exchange and collaborate on mechanisms to facilitate the acceptance of conformity assessment results, in order to eliminate unnecessary technical barriers to trade.

. The Parties shall encourage cooperation between their respective organisations responsible for technical regulation, standardization, conformity assessment, accreditation and metrology, whether they are governmental or non-governmental, with a view to addressing diverse issues covered by this Chapter.

. Nothing in this Article shall be construed as to require a Party to: a. deviate from domestic procedures for preparing and adopting regulatory measures,

b. take actions that would undermine or impede the timely adoption of regulatory measures to achieve its public policy

objectives, or

c. achieve any particular regulatory outcome.

Article 9.7. Cooperation on Market Surveillance and Non-food Product Safety and Compliance

1. The Parties recognise the importance of cooperation on market surveillance, compliance and the safety of non-food products for the facilitation of trade and for the protection of consumers and other users, and of building mutual trust based on shared information.

2. For the purposes of this Article,

âMarket surveillanceâ means activities conducted and measures taken by public authorities including those taken in cooperation with economic operators, on the basis of procedures of a Party to enable that Party to monitor or address compliance or safety of products with the requirements set out in its laws and regulations;

âConsumer productsâ means goods intended for or likely to be used by consumers, with the exclusion of food, medical devices and medicinal products.

3. To guarantee independent and impartial functioning of market surveillance, the Parties shall ensure:

a) the separation of market surveillance functions from conformity assessment functions; and

b) the absence of any interest that would affect the impartiality of market surveillance authorities in the performance of control or supervision of economic operators.

4. The Parties may cooperate and exchange information in the area of non-food product safety and compliance, in particular with respect to the following:

a) market surveillance and enforcement activities and measures; b) risk assessment methods and product testing; c) coordinated product recalls or other similar actions;

d) scientific, technical, and regulatory matters, aiming to improve non-food product safety and compliance;

e) emerging issues of significant health and safety relevance; f) standardisation-related activities and g) exchange of officials.

5. The European Union may provide Chile with selected information from its RAPEX alert system, or its successor, with respect to consumer products, and Chile may provide the European Union with selected information on the safety of consumer products and on preventive, restrictive and corrective measures taken with respect to consumer products. The information exchange may take the form of:

a. non systematic exchange, in duly justified specific cases, excluding personal data;

b. systematic exchange, based on an arrangement that may be established by the Trade Committee in Annex [XX].

6. [EU: The Trade Committee] [Parties] may establish in Annex [ZZ] an arrangement on the systematic exchange of information, including by electronic means, on measures taken on non-compliant non-food products, other than those covered by paragraph 4.

7. The Parties shall use the information obtained pursuant to paragraphs 3, 4 and 5 for the sole purpose of protection of consumers, health, safety or the environment.

8. Each Party shall treat the information obtained pursuant to paragraphs 3, 4 and 5 as confidential.

9. The arrangements referred to in paragraphs 4 and 5 shall specify the product scope, type of information to be exchanged, the modalities for the exchange and the application of confidentiality and personal data protection rules.

The [Trade Committee] shall have the power to adopt decisions in order to determine or amend arrangements set out in Annexes [XX] and [ZZ].

Article 9.8. Standards

1. With a view to harmonizing standards on as wide a basis as possible, the Parties shall encourage the standardizing bodies within their territories, as well as the regional standardizing bodies of which they or their standardizing bodies within their

territories are Members:

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to participate, within the limits of their resources, in the preparation of international standards by relevant international standardizing bodies;

to use relevant international standards as a basis for the standards they develop, except where such international standards would be ineffective or inappropriate, for instance because of an insufficient level of protection or fundamental climatic or geographical factors or fundamental technological problems;

to avoid duplication of, or overlap with, the work of international standardizing bodies;

to review national and regional standards not based on relevant international standards at regular intervals, with a view to increasing their convergence with relevant international standards;

to cooperate with the relevant standardization bodies of the other Party in international standardization activities. That cooperation may be undertaken in the international standardization bodies or at regional level; and

to foster bilateral cooperation between them and the standardization bodies of the other Party.

2. The Parties should exchange information on:

(a) (b)

their use of standards in support of technical regulations; and

each otherâs standardization processes, and the extent of use of international standards, regional or sub-regional standards as a base for their national standards.

If standards are made mandatory through incorporation or referencing in a draft technical regulation or conformity assessment procedure, the transparency obligations set out in Article 9.10 (Transparency) of this Agreement and in Articles 2 or 5 of the TBT Agreement shall be fulfilled.

Article 9.9. Conformity Assessment

The provisions set out in Article 9.5 (Technical Regulations) with respect to the preparation, adoption and application of technical regulations shall also apply, mutatis mutandis, to conformity assessment procedures.

If a Party requires conformity assessment as a positive assurance that a product conforms with a technical regulation, it shall:

(a) select conformity assessment procedures proportionate to the risks involved;

(b) consider, according to its respective laws and regulations, the use of a supplierâs declaration of conformity, as an option for showing compliance with a technical regulation; and

(c) if requested, provide information to the other Party on the criteria used to select the conformity assessment procedures for specific products.

If a Party requires third party conformity assessment as a positive assurance that a product conforms with a technical regulation, and it has not reserved this task to a governmental authority as specified in paragraph 4, it shall:

(a) _ preferentially use accreditation to qualify conformity assessment bodies;

(b) preferentially use international standards for accreditation and conformity assessment, as well as international agreements involving the Partiesâ accreditation bodies, for example, through the mechanisms of the International

Laboratory Accreditation Cooperation (ILAC) and the International Accreditation Forum (IAF);

(c) join or, as applicable, encourage their conformity assessment bodies to join any functioning international agreements or arrangements for harmonization and/or facilitation of acceptance of conformity assessment results;

(d) ensure that when more than one conformity assessment body has been designated for a particular product or set of products, economic operators have a choice amongst them to carry out the conformity assessment procedure;

(e) ensure that conformity assessment bodies are independent of manufacturers, importers and economic operators in general and that there are no conflicts of interest between accreditation bodies and conformity assessment bodies;

(f) allow conformity assessment bodies to use subcontractors to perform testing or inspections in relation to the conformity assessment, including subcontractors located in the territory of the other Party. Nothing in this subparagraph shall be construed to prohibit a Party from requiring subcontractors to meet the same requirements that the conformity assessment body to which it is contracted would be required to meet in order to perform the contracted tests or inspection itself; and

(g) publish on official websites a list of the bodies that it has designated to perform such conformity assessment and relevant information on the scope of each such bodyâs designation.

Nothing in this Article shall preclude a Party from requesting that conformity assessment in relation to specific products is performed by specified governmental authorities of the Party. In such cases, the Party shall:

(a) limit the conformity assessment fees to the approximate cost of the services rendered and upon the request of an applicant for conformity assessment, explain how any fees it imposes for such conformity assessment are limited in amount to the approximate cost of the services rendered; and

(b) make publicly available the conformity assessment fees. When not publically available, these fees should be provided upon request.

Notwithstanding the provisions of paragraphs 2-4, in the fields listed in Annex 2 , where EU accepts Supplier's Declaration of Conformity, i.e. first-party attestation issued by the manufacturer on his sole responsibility based on the results of an appropriate type of conformity assessment activity and excluding mandatory third party assessment, as assurance that a product conforms to a technical regulation that sets out such conformity assessment procedures, Chile shall provide, according to its laws or regulations, for an efficient and transparent procedure for acceptance of certificates and test reports issued by conformity assessment bodies that are located in the territory of the EU and which have been accredited for the relevant scopes by an accreditation body member of the international arrangements for mutual recognition of the International Laboratory Accreditation Cooperation (ILAC) and the International Accreditation Forum (IAF) as an assurance that a product conforms with the requirements of Chile's technical regulations.

Article 9.10. Transparency

In accordance with its respective rules and procedures and without prejudice to Chapter [XX] (Good Regulatory Practices) when developing major technical regulations which may have a significant effect on trade in goods each Party shall ensure that transparency procedures exist that allow persons of the Parties to provide input through a public consultation process, except where urgent problems of safety, health, environmental protection or national security arise or threaten to arise.

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Each Party shall allow persons of the other Party to participate to such consultation in terms no less favourable than those accorded to its own persons and make the results of that consultation process public.

Each Party shall allow a period of at least 60 days following its transmission to the WTO Central Registry of Notifications of proposed technical regulations and conformity assessment procedures for the other Party to provide written comments, except where urgent problems of safety, health, environmental protection or national security arise or threaten to arise. A Party shall consider any reasonable request from the other Party to extend the comment period.

The Party shall provide, in case the notified text is not in one of the official WTO languages, a detailed and comprehensive description of the content of the measure in the WTO notification format.

If a Party receives written comments on its proposed technical regulation or conformity assessment procedure from the

other Party, it shall:

if requested by the other Party, discuss the written comments with the participation of its competent regulatory authority, at a time when they can be taken into account; and

reply in writing to the comments no later than the date of publication of the adopted technical regulation or conformity assessment procedure.

Each Party shall endeavour to publish in a website its responses to comments it receives on its TBT notifications no later than the date of publication of the adopted technical regulation or conformity assessment procedure.

Each Party shall, if requested by the other Party, provide information regarding the objectives of, legal basis and rationale for, a technical regulation or conformity assessment procedure that the Party has adopted or is proposing to adopt.

Each Party shall ensure that its adopted technical regulations and conformity assessment procedures are accessible through official websites or online official journals free of charge.

Each Party shall provide information on the adoption and the entry into force of the technical regulation or conformity assessment procedure and the adopted final text through an addendum to the original notification to the WTO.

Subject to the conditions specified in Article 2.12 of the TBT Agreement regarding the reasonable interval between the publication of the technical regulations and their entry into force, the Parties shall interpret the term "reasonable interval" to normally mean, a period of not less than six months, except when this would be ineffective to fulfil the legitimate objectives pursued.

11. A Party shall consider any reasonable request from the other Party, received prior to the end of the comment period following the transmission of a proposed technical regulation, to extend the period of time between the publication of the technical regulation and its entry into force, except where the delay would be ineffective in fulfilling the legitimate objectives pursued.

Article 9.11. Marking and Labelling

The Parties affirm that their technical regulations including or dealing exclusively with marking or labelling will observe the principles of Article 2.2 of the TBT Agreement.

Unless it is necessary in view of the legitimate objectives referred to in Article 2.2 of the TBT Agreement, a Party that requires mandatory marking or labelling of products shall:

(a) only require information which is relevant for consumers or users of the product or to indicate the productâs conformity with the mandatory technical requirements;

(b) not require any prior approval, registration or certification of the labels or markings of products, nor any fee disbursement, as a precondition for placing on its market products that otherwise comply with its mandatory technical requirements.

(c) where it requires the use of a unique identification number by economic operators, issue such number to the economic operators of the other Party without undue delay and on a non-discriminatory basis;

(d) provided it is not misleading, contradictory or confusing in relation to the information required in the importing Party of the goods, permit the following:

G) information in other languages in addition to the language required in the importing Party of the goods;

Gi) internationally accepted nomenclatures, pictograms, symbols or graphics; and

Gii) additional information to that required in the importing Party of the goods.

(e) accept that labelling, including supplementary labelling and/or corrections to labelling, take place, in customs warehouses or other designated areas in the country of import as an alternative to labelling in the country of origin, unless such labelling is required to be carry out by approved person for reasons of public health or safety.

(f) endeavour to accept non-permanent or detachable labels, or inclusion of relevant information in the accompanying documentation, rather than labels physically attached to the product.

(a) (b) (c)

Article 9. Technical Discussions and Consultations

A Party may request the other Party to provide information on any matter covered by this chapter. The other Party shall provide that information within a reasonable period of time.

Each Party may request to discuss any draft or proposed technical regulation or conformity assessment procedure of the other Party that the Party considers might have a significant adverse effect on trade between the Parties. The request shall be made in writing and identify:

the measure; the provisions of this Chapter to which the concerns relate; and

the reasons for the request, including a description of the requesting Partyâs concerns regarding the measure.

A Party shall deliver its request to the Contact Point of the other Party designated pursuant to Article 9.13 (Contact Points).

At the request of either Party, the Parties shall meet to discuss the concerns raised in the request, in person or via video or teleconference, within 60 days of the date of the request. The Parties shall make every attempt to arrive at a mutually satisfactory resolution of the matter as expeditiously as possible.

If the requesting Party believes that the matter is urgent, it may request to the other Party that a meeting takes place within a shorter time frame. In such cases, the responding Party shall consider such a request.

For greater certainty, this Article is without prejudice to a Partyâs rights and obligations under Chapter [XX] (Dispute Settlement).

Article 9. Contact Points

Each Party shall designate a contact point to facilitate cooperation and coordination under this Chapter, and notify the other Party of its contact details. The Parties shall

promptly notify each other of any changes to those contact details.

The contact points shall work jointly to facilitate the implementation of this Chapter and cooperation between the Parties on all TBT matters. The contact points shall in

particular be responsible for:

(a) organising technical discussions and consultations referred to in Article X.12; (b) promptly addressing any issue that the other Party raises related to the development, adoption, application or enforcement of standards, technical regulations or conformity

assessment procedures;

(c) on request of a Party, arranging discussions on any matter arising under this Chapter;

and (d) exchanging information on developments in non-governmental, regional and multilateral fora related to standards, technical regulations and conformity assessment

procedures.

3. The contact points shall communicate with one another by any agreed method that is appropriate to carry out their functions.

Article 9.14. Sub-Committee on Technical Barriers to Trade

1. The Committee on Technical Barriers to Trade [established pursuant to Article x.x (Sub-Committees and other Bodies of Part X of this Agreement)] shall:

(a) monitor the implementation and administration of this Chapter;

(b) enhance cooperation in the development and improvement of standards, technical

regulations and conformity assessment procedures;

(c) establish priority areas of mutual interest for future work under this Chapter and

consider proposals for new initiatives;

(d) monitor and discuss developments under the TBT Agreement;

(e) report to the Trade Committee on the implementation of this Chapter; and

(f) take any other steps that the Parties consider will assist them in implementing this Chapter and the TBT Agreement.

2. The TBT Sub-Committee shall meet at the request of either Party or of the Trade Committee, in person or by any other means.

Chapter 10. INVESTMENT LIBERALISATION

Article 10.1. Definitions

1. For purposes of this Chapter:

âjuridical person of a Partyâ means!:

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for the European Union:

a juridical person constituted or organised under the law of the European Union or of at least one of its Member States and engaged in substantive business operations? in the territory of the European Union; and

shipping companies established outside the European Union, and controlled by natural persons of a Member State of the European Union, whose vessels are registered in, and fly the flag of, a Member State of the European Union.

for Chile:

a juridical person constituted or organised under the law of Chile and engaged in substantive business operations in the territory of Chile; and

shipping companies established outside Chile, and controlled by natural persons of Chile, whose vessels are registered in, and fly the flag of, Chile.

âenterpriseâ means a juridical person, branch or representative office set up through establishment, as defined under this Article;

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For greater certainty, the shipping companies mentioned in this definition are only considered as

juridical persons of a Party with respect to their activities relating to the supply of maritime transport services.

2

In line with its notification of the Treaty establishing the European Community to the WTO

(WT/REG39/1), the European Union understands that the concept of âeffective and continuous link" with the economy of a Member State of the European Union enshrined in Article 54 of the TFEU is equivalent to the concept of "substantive business operationsâ.

âestablishmentâ means the setting up, including the acquisition? of, an enterprise by an investor of one Party in the territory of the other Party;

âeconomic activitiesâ means activities of an industrial, commercial or professional character and activities of craftsmen and including the supply of services, except activities performed in the exercise of governmental authority;

âoperationâ means the conduct, management, maintenance, use, enjoyment, sale or other disposal of an enterprise by an investor of one Party, in the territory of the other Party ;

âserviceâ includes any service in any sector but not services supplied in the exercise of governmental authority;

âactivities performed in the exercise of governmental authorityâ means activities performed, including services supplied neither on a commercial basis nor in competition with one or more economic operators

âcross-border supply of servicesâ means the supply of a service:

G) from the territory of a Party into the territory of the other Party

(ii) _ in the territory of a Party to the service consumer of the other Party;

âinvestor of a Partyâ means a natural person or a juridical person of such Party, that seeks to establish, is establishing or has established an enterprise in accordance with point (X definition of âestablishmentâ)

âcovered enterpriseâ means an enterprise which is established in accordance with point (X definition of âestablishmentâ) by an investor of a Party in the territory of the other Party, in accordance with applicable law, and which is in existence at the date of entry into force of this Agreement or is established thereafter;

3 The term âacquisitionâ shall be understood as including capital participation in a juridical person with a

view to establishing or maintaining lasting economic links.

âaircraft repair and maintenance services during which an aircraft is withdrawn from serviceâ mean such activities when undertaken on an aircraft or a part thereof while it is withdrawn from service and do not include so-called line maintenance.

âselling and marketing of air transport servicesâ mean opportunities for the air carrier concerned to sell and market freely its air transport services including all aspects of marketing such as market research, advertising and distribution. These activities do not include the pricing of air transport services nor the applicable conditions.

âcomputer reservation system (CRS) servicesâ mean services provided by computerised systems that contain information about air carriersâ schedules, availability, fares and fare tules, through which reservations can be made or tickets may be issued.

âground handling servicesâ mean the supply at an airport of the following services: airline representation, administration and supervision; passenger handling; baggage handling; ramp services; catering; air cargo and mail handling; fuelling of an aircraft, aircraft servicing and cleaning; surface transport; flight operation, crew administration and flight planning.

Ground handling services do not include security, aircraft repair and maintenance, or management or operation of essential centralised airport infrastructure such as de-icing facilities, fuel distribution systems, baggage handling systems, and fixed intra-airport transport systems

Article 10.2. Right to Regulate

The Parties reaffirm the right to regulate within their territories to achieve legitimate policy objectives, such as the protection of public health, social services, education, safety, environment, including climate change, or public morals, social or consumer protection, privacy and data protection or the promotion and protection of cultural diversity.

Article 10.3. Scope

1. This Chapter applies to measures adopted or maintained by a Party affecting the establishment of an enterprise or the operation of a covered enterprise in all economic activities by an investor of the other Party in its territory.

2. The provisions of this Chapter shall not apply to:

(a) audio-visual services;

(b) national maritime cabotage*, and

(c) domestic and international air servicesÂ®, whether scheduled or non-scheduled, and services directly related to the exercise of traffic rights, other than:

G) aircraft repair and maintenance services during which an aircraft is withdrawn from service;

Gi) the selling and marketing of air transport services;

(ii) computer reservation system (CRS) services;

(iv) groundhandling services.

3. This Chapter shall not apply to measures adopted or maintained by a Party relating to financial institutions of another Party, investors of the other Party and to the investments of such investors, in financial institutions in the territory of the Party, as defined in Article X (Financial Services Chapter - Definitions);

4, The provisions of Articles 10.5 (Market Access), 10.6 (National Treatment), 10.8 (Most-Favoured-Nation Treatment), 10.9 (Performance Requirements) and 10.10 (Senior Management and Boards of Directors) shall not apply with respect to government procurement.

4 Without prejudice to the scope of activities which may be considered as cabotage under the relevant

national legislation, national maritime cabotage under this Chapter covers transportation of passengers or goods between a port or point located in Chile or a Member State of the European Union and another port or point located in Chile or that same Member State of the European Union, including on its continental shelf, as provided in the UN Convention on the Law of the Sea, and traffic originating and terminating in the same port or point located in Chile or a Member State of the European Union.

5 For greater certainty, Air services or related services in support of air services include, but are not limited to, the following services: air transportation; services provided by using an aircraft whose primary purpose is not the transportation of goods or passengers, such as aerial fire-fighting flight training, sightseeing, spraying, surveying mapping, photography, parachute jumping, glider towing, helicopter-lift for logging and construction, and other airborne agricultural, industrial and inspection services; the rental of aircraft with crew; and airport operation services.

5. The provisions of Articles 10.5 (Market Access), 10.6 (National Treatment), 10.8 (Most-Favoured-Nation Treatment) and 10.10 (Senior Management and Boards of Directors) shall not apply with respect to subsidies granted by the Parties, including government- supported loans, guarantees and insurances.

Article 10.4. Relation to other Chapters

1. In the event of inconsistency between this Chapter and the Financial Services Chapter, the latter shall prevail to the extent of the inconsistency.

2. A requirement of a Party that a service supplier of another Party post a bond or other form of financial security as a condition for the cross-border supply of a service in its territory, does not of itself make this Chapter applicable to such cross-border supply of that service. This Chapter applies to measures adopted or maintained by the Party relating to the bond or financial security, when such bond or financial security constitutes a covered enterprise.

Article 10.5. Market Access

1. In the sectors or subsectors where market access commitments are undertaken, neither Party shall adopt or maintain, with respect to market access through establishment or operation by investors of the other Party or by covered enterprises, either on the basis of its entire territory or on the basis of a territorial sub-division, a measure that:

(a) limits the number of enterprises that may carry out a specific economic activity, whether in the form of numerical quotas, monopolies, exclusive rights or the requirements of an economic needs test;

(b) limits the total value of transactions or assets in the form of numerical quotas or the requirement of an economic needs test;

(c) limits the total number of operations or on the total quantity of output expressed in terms of designated numerical units in the form of quotas or the requirement of an economic needs test;Â®

(d) restricts or requires specific types of legal entity or joint venture through which an investor of the other Party may carry out an economic activity;

(e) limits the total number of natural persons that may be employed in a particular sector or that an enterprise may employ and who are necessary for, and directly related to, the performance of economic activity in the form of numerical quotas or the requirement of an economic needs test.

Article 10.6. National Treatment

1. Each Party shall accord to investors of the other Party and to covered enterprises treatment no less favourable than the

treatment it accords, in like situationsâ, to its own investors and to their enterprises with respect to the establishment in its territory.

2. Each Party shall accord to investors of the other Party and to covered enterprises, with respect to operation in its territory, treatment no less favourable than the treatment it accords, in like situationsÂ®, to its own investors and to their enterprises.

3. The treatment accorded by a Party under paragraphs 1 and 2 means:

(a) with respect to a regional or local government of Chile, treatment no less favourable than the most favourable treatment accorded in like situations by that level of government to investors of Chile and to their enterprises in its territory;

(b) with respect to a government of or in a Member State of the EU, treatment no less favourable than the most favourable treatment accorded in like situations by that

6 Subparagraphs 1 (a), (b), and (c) do not cover measures taken in order to limit the production of an

agricultural or fishery product.

For greater certainty, whether treatment is accorded in âlike situationsâ requires a case-by-case, fact- based analysis and depends on the totality of the situations. 8 For greater certainty, whether treatment is accorded in âlike situationsâ requires a case-by-case, fact- based analysis and depends on the totality of the situations

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government to investors of that Member State and to their enterprises of such investors in its territoryâ.

Article 10.7. Public Procurement

1. Each Party shall ensure that covered enterprises are accorded treatment no less favourable than that accorded, in like situations, to its own enterprises with respect to any measure regarding the purchase of goods or services by a procuring entity for governmental purposes.

2. The application of the national treatment obligation provided for in this Article remains subject to security and general exceptions as defined in Article X of the GP Chapter of this Agreement.

Article 10.8. Most Favoured Nation Treatment

1. Each Party shall accord to investors of the other Party and to covered enterprises, treatment no less favourable than the treatment it accords, in like situations!Â®, to investors and their enterprises of any non-Party with respect to the establishment of enterprises in its territory.

2. Each Party shall accord to investors of the other Party and to covered enterprises, treatment no less favourable than the treatment it accords, in like situations! to investors and enterprises of any non-Party with respect to the operation of in its territory.

3. Paragraphs 1 and 2 shall not be construed to oblige a Party to extend to the investors of the other Party or to covered enterprises the benefit of any treatment resulting from:

(a) [reference to double taxation agreements in case not covered by horizontal provisions in the Agreement]

9 For greater certainty, the treatment accorded by a government of or in a Member State of the EU includes the regional and local level of government, when applicable.

10 For greater certainty, whether treatment is accorded in âlike situationsâ requires a case-by-case, fact- based analysis and depends on the totality of the situations

" For greater certainty, whether treatment is accorded in âlike situationsâ requires a case-by-case, fact- based analysis and depends on the totality of the situations

(b) measures providing for recognition, including of the standards or criteria for the authorisation, licencing, or certification of a natural person or enterprise to carry out an economic activity, or of prudential measures.

4. For greater certainty the âtreatmentâ referred to in paragraphs 1 and 2 does not include investment dispute resolution procedures or mechanisms provided for in other international investment treaties and other trade agreements. The

substantive provisions in other international investment or trade agreements do not in themselves constitute âtreatmentâ as referred to in paragraphs 1 and 2, and thus cannot give rise to a breach of this Article, absent measures adopted or maintained by a Party. Measures applied pursuant to such substantive provisions may constitute âtreatmentâ under this Article.

Article 10.9. Performance Requirements

1. Neither Party may, in connection with the establishment or operation of any enterprise of a Party or of a non-Party in its territory, impose or enforce any requirement, or enforce any commitment or undertaking to:

(a) export a given level or percentage of goods or services;

(b) achieve a given level or percentage of domestic content;

(c) purchase, use or accord a preference to goods produced or services provided in its territory, or to purchase goods or services from natural persons or enterprises in its territory;

(d) relate in any way the volume or value of imports to the volume or value of exports or to the amount of foreign exchange inflows associated with such enterprise;

(e) _ restrict sales of goods or services in its territory that such enterprise produces or provides by relating such sales in any way to the volume or value of its exports or foreign exchange earnings;

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transfer technology, a production process or other proprietary knowledge to a natural person or an enterprise in its territory;

supply exclusively from the territory of the Party the goods it produces or the services it supplies to a specific regional or world market;

locate the headquarters of that investor for a specific region of the world, which is broader than the territory of the Party, or of the world market in its territory;

hire a given number or percentage of its nationals;

restrict the exportation or sale for export;

to adopt:

(i) a given rate or amount of royalty below a certain level under a licence contract;

or

Gi) a given duration of the term of a licence contract,

in regard to any licence contract in existence at the time the requirement is imposed or enforced, or any commitment or undertaking is enforced, or any future licence contract!â freely entered into between the investor and a natural or juridical person or any other entity in its territory, provided that the requirement is imposed or the commitment or undertaking is enforced in a manner that constitutes a direct interference with that licence contract by an exercise of non-judicial governmental authority of a Party. For greater certainty, paragraph (k) does not apply when the licence contract is concluded between the investor and a Party.

2. Neither Party may condition the receipt or continued receipt of an advantage, in connection with the establishment or the operation of an enterprise in its territory, of a Party or of a non-Party, on compliance with any of the following requirements:

" A licence contract referred to in this paragraph means a contract concerning the licencing of technology, production process, or other proprietary knowledge.

(a) to achieve a given level or percentage of domestic content;

(b) to purchase, use or accord a preference to goods produced or services provided in its territory, or to purchase goods or services from natural persons or enterprises in its territory;

(c) to relate in any way the volume or value of imports to the volume or value of exports or to the amount of foreign exchange inflows associated with such enterprise;

(d) to restrict sales of goods or services in its territory that such enterprise produces or provides by relating such sales in any way to the volume or value of its exports or foreign exchange earnings or

(e) to restrict the exportation or sale for export.

3. Paragraph 2 shall not be construed as preventing a Party from conditioning the receipt or continued receipt of an advantage, in connection with the establishment or the operation of an enterprise in its territory by an investor of a Party or a non-Party, on compliance with a requirement to locate production, provide a service, train or employ workers, construct or expand particular facilities, or carry out research and development in its territory.

4. Paragraph 1 (f) and (k) does not apply:

(a) if a Party authorises use of an intellectual property right in accordance with Article 31 or article 31 bis of the TRIPS Agreement or adopts or maintains measures requiring the disclosure of data or propriety information that fall within the scope of, and are consistent with, paragraph 3 of Article 39 of the TRIPS Agreement; or

(b) if the requirement is imposed or the commitment or undertaking is enforced by a court, administrative tribunal, or competition authority to remedy a practice determined after judicial or administrative process to be a violation of the Partyâs competition laws.

5. Paragraphs 1 (a), 1 (b), 1 (c), 2 (a) and 2 (b) do not apply to qualification requirements for goods or services with respect to participation in export promotion and foreign aid programmes;

6. Paragraphs 2 (a) and 2 (b) do not apply to requirements imposed by an importing Party relating to the content of goods necessary to qualify for preferential tariffs or preferential quotas.

7. For greater certainty, this Article shall not be construed as requiring a Party to permit a particular service to be supplied on a cross-border basis where that Party adopts or maintains restrictions or prohibitions on such provision of services which are consistent with the reservations, conditions or qualifications specified with respect to a sector, subsector or activity listed in Annex XX (annexes with non-conforming measures or MA restrictions).

8. This Article is without prejudice to commitments of a Party made under the WTO Agreement.

Article 10.10. Senior Management and Boards of Directors

A Party shall not require that a covered enterprise appoint natural persons of a particular nationality as members of boards of directors, or to a senior management position, such as executives or managers.

Article 10.11. Non-Conforming Measures

1, Articles 10.6 (National Treatment), 10.8 (Most Favoured Nation Treatment), 10.9 (Performance Requirements) and 10.10 (Senior Management and Boards of Directors), do not apply to:

(a) any existing non-conforming measure that is maintained by:

For the European Union:

G) the European Union, as set out in Annex J;

Gi) acentral government of a Member State of the EU, as set out in Annex I;

Giii) a regional level of government of a Member State of the EU, as set out in Annex J; or

(iv) a local level of government; and

For Chile:

G) âthe central government or a regional level of government, as set out in Annex I;

Gi) a local level of government;

(b) _ the continuation or prompt renewal of any non-conforming measure referred to in subparagraph (a); or

(c) amodification to any non-conforming measure referred to in subparagraph (a), to the extent that the amendment does not decrease the conformity of the measure, as it existed immediately before the modification, with Articles 10.6 (National Treatment), 10.8 (Most Favoured Nation Treatment) or 10.9 (Performance Requirements) and 10.10 (Senior Management and Boards of Directors).

2. Articles 10.6 (National Treatment), 10.8 (Most Favoured Nation Treatment), 10.9 (Performance Requirements) and 10.10 (Senior Management and Board of Directors), do not apply to measures of a Party which are consistent with a reservation listed in Annex II.

3. Neither Party may, under any measure adopted after the date of entry into force of this Agreement and covered by its Schedule to Annex II, require an investor of the other Party, by reason of its nationality, to sell or otherwise dispose of a covered enterprise existing at the time the measure becomes effective.

4. Article 10.5 (Market Access) does not apply to any measure of a Party which is consistent with a reservation listed in Annex HI.

5. Articles 10.6 (National Treatment) and 10.8 (Most-Favoured-Nation Treatment) shall not apply to any measure that constitutes an exception to or derogation from, Articles 3 or 4 of the TRIPS Agreement, as specifically provided in Articles 3 to 5 of the TRIPS Agreement.

6. For greater certainty, articles 10.6 (National Treatment) and 10.8 (Most Favoured Nation Treatment) shall not be construed as preventing a Party from prescribing information requirements including for statistical purposes in connection with the establishment or operation of investors of the other Party or of covered enterprises provided that it does not constitute a means to circumvent that Partyâs obligations under those articles.

Article 10.12. Denial of Benefits

A Party may deny the benefits of this Chapter to an investor of the other Party or to a covered enterprise if the denying Party adopts or maintains measures related to the maintenance of international peace and security, including the protection of human rights, which:

(a) prohibit transactions with that investor or covered enterprise, or

(b) would be violated or circumvented if the benefits of this Chapter where accorded to that investor or covered enterprise, including where the measures prohibit transactions with a natural or juridical person who owns or controls either of them.

Chapter 11. CROSS-BORDER TRADE IN SERVICES

Article 11.1. [EU: Objectives

The Parties, reaffirming their respective commitments under the WTO Agreement and their commitment to create a better climate for the development of trade between them, hereby lay down the necessary arrangements for the progressive reciprocal liberalisation of trade in services.]

Article 11.2. Right to Regulate

The Parties reaffirm the right to regulate within their territories to achieve legitimate policy objectives, such as the protection of public health, social services, education, safety, environment, including climate change, or public morals, social or consumer protection, privacy and data protection or the promotion and protection of cultural diversity.

Article 11.3. Definitions for the Purposes of this Chapter: Aircraft Repair and Maintenance Services During Which an Aircraft Is Withdrawn from Service

means such activities when undertaken on an aircraft or a part thereof while it is withdrawn from service and do not include

so-called line maintenance;

computer reservation system (CRS) services means services provided by computerised systems that contain information about air carriersâ schedules, availability, fares and fare tules, through which reservations can be made or tickets may be issued;

cross-border trade in services or cross-border supply of services means the supply of a service:

(a) from the territory of a Party into the territory of the other Party; (b) in the territory of a Party, to the service consumer of the other Party ground handling services means the supply at an airport, on a fee or contract basis, of the

following services: airline representation, administration and supervision; passenger handling; baggage handling; ramp services; catering, except the preparation of the food; air

cargo and mail handling; fuelling of an aircraft; aircraft servicing and cleaning; surface transport; and flight operations, crew administration and flight planning.

Ground handling services do not include: self-handling; security; line maintenance; aircraft repair and maintenance; or management or operation of essential centralised airport infrastructure, such as de-icing facilities, fuel distribution systems, baggage handling systems and fixed intra-airport transport systems;

juridical person means any legal entity duly constituted or otherwise organised under applicable law, whether for profit or otherwise, and whether privately-owned or governmentally-owned, including any corporation, trust, partnership, joint venture, sole proprietorship or association;

juridical person of a Party means!:

6D) for the European Union:

A a juridical person constituted or organised under the law of the European Union or of at least one of its Member States and engaged in substantive business operations? in the territory of the European Union; and

B shipping companies established outside the European Union, and controlled by natural persons of a Member State of the European Union, whose vessels are registered in, and fly the flag of, a Member State of the European Union.

(ii) for Chile: A a juridical person constituted or organised under the law of Chile and engaged in substantive business operations in the territory of Chile; and

B shipping companies established outside Chile, and controlled by natural persons of Chile, whose vessels are registered in, and fly the flag of, Chile.

natural person of the EU means a national of one of the Member States of the European Union according to its legislation?

natural person of Chile means a Chilean as defined in Article 10 of the Political Constitution of the Republic of Chile;

selling and marketing of air transport services means opportunities for the air carrier concerned to sell and market freely its air transport services, including all aspects of marketing such as market research, advertising and distribution. These activities do not include the pricing of air transport services or the applicable conditions;

! For greater certainty, the shipping companies mentioned in this definition are only considered as

juridical persons of a Party with respect to their activities relating to the supply of maritime transport services.

2 In line with its notification of the Treaty establishing the European Community to the WTO (WT/REG39/1), the European Union understands that the concept of âeffective and continuous link" with the economy of a Member State of the European Union enshrined in Article 54 of the TFEU is equivalent to the concept of "substantive business operationsâ.

3 The definition of natural person also includes natural persons permanently residing in the Republic of Latvia who are not citizens of the Republic of Latvia or any other state but who are entitled, under laws and regulations of the Republic of Latvia, to receive a non-citizenâs passport.

service includes any service in any sector but not services supplied in the exercise of governmental authority;

service supplier of a Party means any natural or juridical person of a Party that seeks to supply or supplies a service;

[service supplied in the exercise of governmental authority means any service which is

supplied neither on a commercial basis, nor in competition with one or more service suppliers];

Article 11.4. Scope

1. This Chapter shall apply to measures of a Party affecting cross-border trade in services supplied by service suppliers of the other Party. Such measures include those that affect:

(a) the production, distribution, marketing, sale and delivery of a service;

(b) the purchase or use of, or payment for, a service;

(c) the access to and use of, in connection with the supply of a service services

which are required by a Party to be offered to the public generally, including

distribution, transport or telecommunications networks;

(d) the provision of a bond or other form of financial security, as a condition for the supply of a service.

2. This Title\Chapter applies to measures adopted or maintained by: (a) governments and authorities at all levels;

(b) non-governmental bodies in the exercise of powers delegated by governments or authorities at all levels.

(c) any entity which is in fact acting on the instructions of or under the direction or the control of a Party with regard to the measure.*

3. This Chapter shall not apply to:

(a) financial services, as defined in Article X.1 (Chapter XX Financial Services - Definitions);

(b) audio-visual services;

4 For greater certainty, if a Party claims that an entity is acting as referred to in subpargraph 2 (c), such Party bears the burden of proof and at least must provide solid indicia.

(c) national maritime cabotageâ;

(d) Domestic and international air servicesÂ®, whether scheduled or non-scheduled, and services directly related to the exercise of traffic rights, other than:

@ aircraft repair and maintenance services during which an aircraft is withdrawn from service;

Gi) the selling and marketing of air transport services; Gii) | computer reservation system (CRS) services; and (iv) ground handling services.

(e) government procurement, [as defined in Article 21.1 (Chapter 21 Government Procurement Definitions);] and

(f) â subsidies or grants provided by a Party or a state-owned enterprise including government-supported loans, guarantees and insurance.

Article 11.5. National Treatment

1. Each Party shall accord to services and service suppliers of the other Party treatment no less favourable than that it accords in like situations, to its own services and service suppliers.

2. The treatment accorded by a Party under paragraphs 1 means:

(a) with respect to a regional or local level of government of Chile, treatment no less favourable than the most favourable treatment accorded, in like situations, by that level of government to its own services and service suppliers of Chile.

(b) with respect to a government of, or in, a Member State of the European Union, treatment no less favourable than the most favourable treatment accorded, in like situations, by that government to its own services and service suppliers.

5 Without prejudice to the scope of activities which may be considered as cabotage under the relevant

national legislation, national maritime cabotage under this Chapter covers transportation of passengers or goods between a port or point located in Chile or a Member State of the European Union and another port or point located in Chile or that

same Member State of the European Union, including on its continental shelf, as provided in the UN Convention on the Law of the Sea, and traffic originating and terminating in the same port or point located in Chile or a Member State of the European Union.

6 For greater certainty, Air services or related services in support of air services include, but are not limited to, the following services: air transportation; services provided by using an aircraft whose primary purpose is not the transportation of goods or passengers, such as aerial fire-fighting flight training, sightseeing, spraying, surveying, mapping, photography, parachute jumping, glider towing, helicopter-lift for logging and construction, and other airborne agricultural, industrial and inspection services; the rental of aircraft with crew; and airport operation services.

3. A Party may meet the requirement of paragraph 1 by according to services and service suppliers of the other Party either formally identical treatment or formally different treatment to that it accords to its own services and service suppliers.

4. Formally identical or formally different treatment shall be considered to be less favourable if it modifies the conditions of competition in favour of services or service suppliers of the Party compared to service suppliers of the other Party.

5. Nothing in this Article shall be construed to require any Party to compensate for inherent competitive disadvantages which result from the foreign character of the relevant services or services suppliers.

Article 11.6. Most-Favoured-Nation Treatment

1. Each Party shall accord to services and service suppliers of the other Party treatment no less favourable than that it accords, in like situations, to services and service suppliers of a non-Party state.

2. Paragraph 1 shall not be construed as obliging a Party to extend to services and service suppliers of the other Party the benefit of any treatment resulting from:

(a) an international agreement for the avoidance of double taxation or other international agreement or arrangement relating wholly or mainly to taxation; or

(b) measures providing for recognition, including of the standards or criteria for the authorisation, licencing, or certification of a natural person or enterprise to carry out an economic activity, or of prudential measures.

3. For greater certainty the âtreatmentâ referred to in paragraphs 1 and 2 does not include investment dispute resolution procedures or mechanisms provided for in other international investment treaties and other trade agreements. The substantive provisions in other international or trade agreements do not in themselves constitute âtreatmentâ as referred to in paragraphs 1 and 2, and thus cannot give rise to a breach of this Article, absent measures adopted or maintained by a Party. Measures applied pursuant to such substantive provisions may constitute âtreatmentâ under this Article.

[DN: We should copy mutatis mutandi the investment provision]

Article 11.7. Local Presence a Party Shall Not Require a Service Supplier of the other Party to Establish or Maintain an

enterprise or to be resident in its territory as a condition for the cross-border supply of a service.

Article 11.8. Market Access

In sectors or subsectors where market access commitments are undertaken, neither Party may adopt or maintain, either on the basis of a regional subdivision or on the basis of its entire territory, measures that:

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of:

(a)

(b)

impose limitations on:

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(iv)

the number of service suppliers, whether in the form of numerical quotas, monopolies, exclusive service suppliers or the requirement of an economic needs test;

the total value of service transactions or assets in the form of numerical quotas or the requirement of an economic needs test;

the total number of service operations or the total quantity of services output, expressed in terms of designated numerical units, in the form of quotas or the requirement of an economic needs testâ; or

the total number of natural persons that may be employed in a particular service sector or that a service supplier may employ and who are necessary for, and directly related to, the supply of a specific service in the form of numerical quotas or the requirement of an economic needs test, or

restrict or require specific types of legal entity or joint venture through which a service supplier may supply a service.

Article 11.9. Non-Conforming Measures

Article 11.5. National Treatment), 11.6 (Most-Favoured-Nation Treatment) and 11.7 (Local Presence) Shall Not Apply to:(a)

any existing non-conforming measure that is maintained by a Party at the level

@ (ii) iii)

the European Union, as set out in its Annex I; a national government, as set out by that Party in its Annex J;

regional government, as set out by that Party in its Annex I; or

This subparagraph does not cover the measures of a Party that limit inputs for the supply of services.

(iv) a local government.

(b) the continuation or prompt renewal of any non-conforming measure referred to in subparagraph (a); or

(d) an amendment to any non-conforming measure referred to in subparagraph (a), to the extent that the amendment does not decrease the conformity of the measure as it existed immediately before the amendment, with Articles 11.5 (National Treatment), 11.6 (Most-Favoured-Nation Treatment) and 11.7 (Local Presence).

2. Articles 11.5 (National Treatment), 11.6 (Most-Favoured-Nation Treatment) and 11.7 (Local Presence) shall not apply to any measure that a Party adopts or maintains with respect to sectors, sub-sectors or activities, as set out in its Schedule to Annex II.

3. Article 11.8 (Market Access) shall not apply to any measure that a Party adopts or maintains with respect to committed sectors or subsectors as set out in its Annex HI.

Article 11.10. Denial of Benefits

A Party may deny the benefits of this Chapter to an economic operator of the other Party or to a covered enterprise if the denying Party adopts or maintains measures related to the maintenance of international peace and security, including the protection of human rights, which:

a. prohibit transactions with that economic operator or covered enterprise, or

with a natural or juridical person who owns or controls either of them, or

b. would be violated or circumvented if the benefits of this Chapter were

accorded to that economic operator or covered enterprise.

Chapter 12. Temporary Presence of Natural Persons for Business

Purposes

Article 12.1. Scope and Definitions

This Chapter applies to measures of the Parties concerning the performance of economic activities through the entry and temporary stay in their territories of natural persons of a Party] who are [Business Visitors for Establishment Purposes, Investors], Intra-corporate Transferees, Business Sellers, Contractual Service Suppliers and Independent Professionals in accordance with paragraph X.X.

This Chapter shall not apply to the sectors excluded from the scope of Chapter 11 [CBTS] pursuant to letters (b) to (d) of paragraph 3 of Article 11.4 [Scope].

This Agreement/Chapter shall not apply to measures affecting natural persons seeking access to the employment market of the other Party, nor shall it apply to measures regarding citizenship, nationality, residence or employment on a permanent basis.

Nothing in this Agreement shall prevent a Party from applying measures to regulate the entry of natural persons of the other Party into, or their temporary stay in, its territory, including those measures necessary to protect the integrity of, and to ensure the orderly movement of natural persons across, its border, provided that those measures are not applied in a manner as to nullify or impair the benefits accruing to the other Party under this Agreement.

The sole fact that a Party requires persons of the other Party to obtain a visa shall not be regarded as nullifying or impairing the benefits accruing to the other Party under this Agreement.

To the extent that commitments are not undertaken in this Chapter, all requirements provided for in the law of a Party regarding the entry and temporary stay of natural persons shall continue to apply, including laws and regulations concerning the period of stay.

Notwithstanding the provisions of this Chapter, all requirements provided for in the law of a Party regarding work and social security measures shall continue to apply, including laws and regulations concerning minimum wages and collective wage agreements.

Commitments on the entry and temporary stay of natural persons for business purposes do not apply in cases where the intent or effect of the entry and temporary stay is to interfere with or otherwise affect the outcome of any labour or

10.

(a)

(a)

(b)

management dispute or negotiation, or the employment of any natural person who is involved in that dispute.

The definitions in [Articles 10.1 and 11.3] apply to this Chapter.

For the purpose of this Chapter:

âbusiness visitors for establishment purposesâ mean natural persons working in a senior position within a juridical person of a Party who are responsible for establishing an enterprise of such juridical person. They do not offer or provide services or engage in any other economic activity than required for establishment purposes. They do not receive remuneration from a source located within the host Party.

bis: Investor means natural persons who establish an enterprise, and develop or administer the operation of that enterprise in the other Party in a capacity that is supervisory or executive, and to which that person or the juridical person employing that person has committed, or is in the process of committing, a substantial amount of capital.

âintra-corporate transfereesâ mean natural persons who have been employed by a juridical person or have been partners in it for at least one year and who are temporarily transferred to an enterprise of the juridical person in the territory of the other Party. The natural person concerned must belong to one of the following categories:

(i) managers: Persons working in a senior position within [a juridical person (to be decided after agreeing on the definition of juridical person)] of a Party, who primarily direct the management of the [enterprise (to be decided after agreeing on the

definition of enterprise)] in the other Partyâ, receiving general supervision or direction principally from higher level executives, the board of directors or from stockholders of the business or their equivalent. Its responsibilities shall include:

(A) directing the [enterprise] or a department or subdivision thereof;

(B) supervising and controlling the work of other supervisory, professional or managerial employees; and

For greater certainty, while managers do not directly perform tasks concerning the actual supply of the services, this does not prevent them, in the course of executing their duties as described above, from performing such tasks as may be necessary for the provision of the services.

(C) having the personal authority to recruit and dismiss or to recommend recruitment, dismissal or other personnel-related actions.

(ii) specialists: persons working within a juridical person possessing specialised knowledge essential to the enterpriseâs areas of activity, techniques or management. In assessing such knowledge, account shall be taken not only of knowledge specific to the enterprise, but also of whether the person has a high level of qualification, including adequate professional experience, referring to a type of work or activity requiring specific technical knowledge including, but not limited to, possible membership of an accredited profession.

(ii) trainee employees: Persons who have been employed by a juridical person or its branch for at least one year, possess a university degree and are temporarily transferred for career development purposes or to obtain training in business techniques or methodsâ,

(c) âshort-term business visitorsâ means natural persons who are seeking entry and temporary stay in the territory of the other Party, who do not engage in making direct sales to the general public and do not receive remuneration from a source located within the host Party. The natural person concerned must belong to one of the following categories:

@ âbusiness sellersâ are short-term business visitors who are representatives of a services or goods supplier of one Party for the purpose of negotiating the sale of services or goods, or entering into agreements to sell services or goods for that supplier, including: attending meetings or conferences; engaging in consultations with business colleagues, taking orders or negotiating contracts for an enterprise located in the territory of the other Party. They are not engaged in the supply of a service in the framework of a contract concluded between an enterprise that has no commercial presence in the territory of the Party where the short-term business visitors are staying temporarily, and a consumer in that territory. They are not commission agents.

(ii) âinstallers and maintainersâ are short-term business visitors possessing specialised knowledge essential to a seller's or lessor's contractual obligation, performing services or training workers to perform services,

The recipient enterprise may be required to submit a training programme covering the duration of the stay for prior approval, demonstrating that the purpose of the stay is for training. For AT, CZ, DE, FR, ES, HU and LT, training must be link to the university degree which has been obtained.

(d)

(e)

pursuant to a warranty or other service contract incidental to the sale or lease of commercial or industrial equipment or machinery, including computer and related services, purchased or leased from an enterprise located outside the territory of the Party into which temporary entry is sought, throughout the duration of the warranty or service contract.

âcontractual services suppliersâ mean natural persons employed by a juridical person of a Party which is not itself established in the territory of the other Party and is not an agency for placement and supply services of personnel nor acting through such an agency and which has concluded a bona fide contract to supply services with a final consumer in the other Party, requiring the presence on a temporary basis of its employees in that Party, in order to fulfil the contract to

provide servicesÂ®.

âindependent professionalsâ mean natural persons engaged in the supply of a service established as self-employed in the territory of a Party, but not in the territory of the other Party, who have concluded a bona fide contract (other than through an agency for placement and supply services of personnel), with a final consumer to supply services in the latter Party, requiring their presence on a temporary basis in that Partyâ.

Article 12.2. Intra-corporate Transferees, Business Visitors for Establishment Purposes

and Investors

1. Subject to the relevant conditions and qualifications specified in Annex IV [reservations for ICTs, BVEP and STBV], each Party:

a) shall allow the entry and temporary stay of Intra-corporate Transferees, Business Visitors for Establishment Purposes and Investors; b) _ shall allow the employment in its territory of Intra-corporate Transferees of the other Party; and c) â shall not maintain or adopt limitations in the form of numerical quotas or economic needs tests on the total number of natural persons that, in a specific sector, are allowed entry as business visitors for establishment purposes [or investors], or that may be employed as intra-corporate transferees, either on the basis of a territorial subdivision or on the basis of its entire territory. d) _ shall accord to intra-corporate transferees, business visitors for establishment purposes [and investors] of the other Party, with regard to their temporary stay 3 The service contract referred to under (d) and (e) shall comply with the requirements of the laws, and regulations and requirements of the Party where the contract is executed. 4 The service contract referred to under (d) and (e) shall comply with the requirements of the laws, and

regulations and requirements of the Party where the contract is executed.

in its territory, treatment no less favourable than that it accords, in like situations, to its own natural persons.

The permissible length of stay shall be:

a. for Chile, for a period of up to two years which may be extended, without a requirement to apply for permanent residence, provided the conditions on which it is based remain in effect; and

b. for the European Union, for a period of up to three years for Managers and Specialists; up to one year for Trainee Employees and Investors; and up to 90 days within any six month period days for Business Visitors for Establishment Purposes.

Article 12.3. Short-term Business Visitors

. Subject to the scope exclusions set out in Chapter II Article 2(1) and subject to the relevant conditions and qualifications specified in Annex IV [reservations for ICTs, BVEP and STBV], a Party shall allow entry and temporary stay of short-term business visitors without the requirement of a work permit, economic needs test or other prior approval procedures of similar intent.

. If short-term business visitors of a Party are engaged in the supply of a service to a consumer in the territory of the Party where they are staying temporarily, that Party shall accord to them, with regard to the supply of that service, treatment no less favourable than that it accords, in like situations, to its own service suppliers:

. The permissible length of stay shall be for a period of up to ninety days in any twelve month period.

Article 12.4. Contractual Service Suppliers and Independent Professionals

. Each Party shall allow the entry and temporary stay of contractual services suppliers in its territory, in the sectors, subsectors and activities specified in Annex V [reservations on contractual services suppliers and independent professionals], subject to the relevant conditions and qualifications specified therein, as well as to the following conditions:

a) The natural persons must be engaged in the supply of a service as employees of a juridical person, which has obtained a service contract not exceeding twelve months.

b) The natural persons entering the other Party should be offering such services as employees of the juridical person supplying the services for at least one year

immediately preceding the date of submission of an application for entry into the other Party. In addition, the natural persons must possess, on the date of application for entry, at least three years professional experienceâÂ® in the sector of activity which is the subject of the contract.

c) The natural persons entering the other Party must possess:

(i) a university degree or a qualification demonstrating knowledge of an equivalent level!â and

(ii) professional qualifications where this is required to exercise an activity pursuant to the laws, regulations or legal requirements of the Party where the service is supplied.

d) The natural person shall not receive remuneration for the provision of services in the territory of the other Party other than the remuneration paid by the juridical person employing the natural person.

e) Access accorded under the provisions of this Article relates only to the service activity which is the subject of the contract and does not confer entitlement to exercise the professional title of the Party where the service is provided.

2. Each Party shall allow the entry and temporary stay of independent professionals in its territory in the sectors, subsectors and activities specified in Annex V [reservations on contractual services suppliers and independent professionals], subject to the relevant conditions and qualifications specified therein, as well as to the following conditions:

a) The contract concluded shall not exceed a period of twelve months.

b) The natural persons must possess, on the date of application for temporary entry, at least six years professional experience in the sector of activity which is the subject of the contract.

c) The natural persons entering the other Party must possess:

@ a university degree or a qualification demonstrating knowledge of an equivalent level!â and

Gi) professional qualifications where this is required to exercise an activity pursuant to the laws, regulations or legal requirements of the Party where the service is supplied.

16 Obtained after having reached the age of majority. '7 Where the degree or qualification has not been obtained in the Party where the service is supplied, that Party may evaluate whether this is equivalent to a university degree required in its territory.

d) Access accorded under the provisions of this Article relates only to the service activity which is the subject of the contract; it does not confer entitlement to exercise the professional title of the Party where the service is provided.

3. A Party shall not adopt or maintain limitations on the total number of contract service suppliers and independent professionals of the other Party who are allowed temporary entry, in the form of numerical quotas or an economic needs test.

4. Each Party shall accord to contractual services suppliers and independent professionals of the other Party, with regard to the supply of their services in its territory, treatment no less favourable than that it accords, in like situations, to its own service suppliers.

5. The permissible length of stay shall be:

a. for the EU, for a cumulative period of not more than six months in any twelve month period or for the duration of the contract, whichever is less; and

b. for Chile, for a period up to one year which may be extended for subsequent periods, provided the conditions on which it is based remain in effect.

Article 12.5. Non-conforming Measures

To the extent that the relevant measure affects the temporary stay of natural persons for business purposes, Article 12.2, paragraph 1, subparagraphs (c) and (d) and Article 12.4, paragraphs 3 and 4 do not apply to:

(a) any existing non-conforming measure of a Party at the level of:

Gi) for the European Union:

(A) the European Union, as specified in its Schedule to Annex J;

(B) the central government of a Member State of the European Union, as specified in its Schedule to Annex I;

(C) a regional government of a Member State of the European Union, as specified in its Schedule to Annex J; or

(D) a local government, other than that referred to in subparagraph (C); and

Gi) for Chile:

(A) the central government, as specified in its Schedule to in Annex I; (B) a [regional subdivision], as specified in its Schedule to Annex J; or (C) alocal government;

(b) the continuation or prompt renewal of any non-conforming measure referred to in subparagraph (a);

(c) a modification of any non-conforming measure referred to in subparagraphs (a) and (b) to the extent that it does not decrease the conformity of the measure, as it existed immediately before the modification, with Article 12.2, paragraph 1,

subparagraphs (b) and (c) and Article 12.4, paragraph 1, subparagraphs (ii) and (iii); or

(d) any measure of a Party consistent with a condition or qualification specified in Annex I.

Article 12.6. Transparency

. A Party shall make publicly available information relating to the entry and temporary stay by natural persons of the other Party, referred to in paragraph X of Article XX.

. The information referred to in paragraph 1 shall include, where applicable, the following information:

(a) categories of visa, permits or any similar type of authorisation regarding the entry and temporary stay;

(b) documentation required and conditions to be met;

(c) method of filing an application and options on where to file, such as consular offices or online;

(d) application fees and an indicative timeframe of the processing of an application; (e) the maximum length of stay under each type of authorisation described in subparagraph (a);

(f) conditions for any available extension or renewal;

(g) rules regarding accompanying dependents;

(h) available review or appeal procedures; and

(i) relevant laws of general application pertaining to the entry and temporary stay of natural persons.

. With respect to the information referred to in paragraphs 1 and 2, each Party shall endeavour to promptly inform the other Party of the introduction of any new requirements and procedures or of the changes in any requirements and procedures that affect the effective application for the grant of entry into, temporary stay in and, where applicable, permission to work in the former Party.

Article 12.7. Dispute Settlement

No Party shall have recourse to dispute settlement under Chapter XX (Dispute Settlement) regarding a refusal to grant temporary entry unless the matter involves a pattern of practice.

Chapter 13. DOMESTIC REGULATION

Article 13.1. Scope and Definitions

1. This Chapter applies to measures of a Party relating to licensing requirements and procedures, qualification requirements and procedures and technical standards! that affect:

(a) the cross-border supply of services;

(b) the supply of a service or pursuit of any other economic activity through the establishment of an enterprise and operation of a covered investment;

(c) the supply of a service through temporary stay in their territory of categories of natural persons as defined in Article 12.1 (Scope and Definitions).

2. This Chapter only applies to sectors for which the Party has undertaken specific commitments under Chapter 10 (Investment Liberalisation), Chapter 11 (CBTS) and Chapter 12 (mode 4) and to the extent that these specific commitments apply.

3. Notwithstanding paragraph 2, this chapter shall not apply to licensing requirements and procedures, qualification requirements and procedures and technical standards relating to one of the following sectors or activities:

a) manufacture of basic chemicals and other chemical products;

b) manufacture or rubber products;

c) manufacture of plastics products;

c) manufacture of electric motors, generators and transformers;

d) manufacture of accumulators, primary cells and primary batteries; and e) recycling of metal and non-metal waste and scrap.

4. This Chapter shall not apply to measures to the extent that they constitute limitations subject to scheduling under Articles 10.5 or CBTS 2 (Market Access) and/or Article 10.6 or CBTS 3 (National Treatment) or under Articles M4 2(c) and (d); M4 3(b) and (c) and M4 4 (3) and (4) [MA and NT for mode 4 categories].

5. For the purposes of this Chapter,

[(a) âlicensing requirementsâ are substantive requirements, other than qualification requirements, with which a natural or a juridical person is required to comply in

' For greater certainty, as far as measures relating to technical standards are concerned, this section applies only to such measures affecting trade in services.

order to obtain, amend or renew authorisation to carry out the activities as defined in paragraph 1 (a) to (c).

(b) âlicensing proceduresâ are administrative or procedural rules that a natural or a juridical person, seeking authorisation to carry out the activities as referred to in paragraph 1 (a) to (c), including the amendment or renewal of a licence, must adhere to in order to demonstrate compliance with licencing requirements.

(c) âqualification requirementsâ are substantive requirements relating to the competence of a natural person to supply a service, and which are required to be demonstrated for the purpose of obtaining authorisation to supply a service.

(d) âqualification proceduresâ are administrative or procedural rules that a natural person must adhere to in order to demonstrate compliance with qualification requirements, for the purpose of obtaining authorisation to supply a service.]

(e) âcompetent authorityâ is any central, regional or local government and authority or non-governmental body in the exercise of powers delegated by central or regional or local governments or authorities, which takes a decision concerning the authorisation to supply a service, including through establishment or concerning the authorisation to establish in an economic activity other than services;

(f) "authorisation" means the permission to carry out any of the activities referred to in points (a) to (c) of paragraph 1 resulting from a procedure to which an applicant must adhere in order to demonstrate compliance with licencing requirements, qualification requirements and technical standards;

6. The definitions in [Articles 10.1 and 11.3] apply to this Chapter.

Article 13.2. Conditions for Licensing and Qualification

1. Each Party shall ensure that measures relating to licencing requirements, licencing procedures, and qualification requirements and qualification procedures are based on criteria which preclude the competent authorities from exercising their power of assessment in an arbitrary manner.

2. The criteria referred to in paragraph 1 shall be: (a) clear;

(b) objective and transparentâ; and

2 For greater certainty, these criteria may include, inter alia, competence and the ability to supply a service or pursuit any other economic activity, including to do so in a manner consistent with a Partyâs regulatory requirements, such as health and environmental requirements. Competent authorities may assess the weight to be given to each criterion.

(c) accessible to the public and interested persons in advance.

3. When adopting technical standards, each Party shall encourage its competent authorities to adopt technical standards developed through open and transparent processes, and shall encourage any body, including relevant international organizationsâ, designated to develop technical standards to use open and transparent processes.

4. An authorisation or a licence shall, subject to availability, be granted as soon as it is established, in the light of an appropriate examination, that the conditions for obtaining an authorisation or licence have been met.

5. | Where the number of licences available for a given activity is limited because of the scarcity of available natural resources or technical capacity, each Party shall apply a selection procedure to potential candidates which provides full guarantees of impartiality and transparency, including, in particular, adequate publicity about the launch, conduct and completion of the procedure.

6. Subject to the provisions specified by paragraph 5, in establishing the rules for the selection procedure, each Party may take into account legitimate policy objectives, including considerations of health, safety, the protection of the environment and the preservation of cultural heritage.

Article 13.3. Licensing and Qualification Procedures

1. Licensing and qualification procedures and formalities shall be clear, made public in advance, and shall not in themselves constitute a restriction on the supply of a service or the pursuit of any other economic activity. Each Party shall endeavour to make such procedures and formalities as simple as possible and shall not unduly complicate or delay the provision of the service.

2. Where authorisation is required, each Party shall promptly publish or otherwise make publicly available the information necessary for the applicant to comply with the requirements and procedures for obtaining, maintaining, amending and renewing such authorisation. Such information shall include, inter alia, where it exists:

(a) the requirements and procedures;

(b) contact information of relevant competent authorities;

(c) fees;

(d) technical standards;

(e) procedures for appeal or review of decisions concerning applications;

3) procedures for monitoring or enforcing compliance with the terms and conditions of licenses and qualifications;

3 The term ârelevant international organizationsâ refers to international bodies whose membership is open to the relevant bodies of both Parties.

10.

(g) opportunities for public involvement, such as through hearings or comments; or (h) indicative timeframes for processing of an application.

Any authorisation feet which the applicants may incur should be reasonable, transparent, and not, in itself, restrict the supply of the relevant service or the pursuit of the relevant economic activity.

Each Party shall ensure that the procedures used by, and the decisions of, the competent authority in the licensing or authorisation process are impartial with respect to all applicants. The competent authority should reach its decision in an independent manner and not be accountable to any person supplying the services or carrying out the economic activities for which the licence or authorisation is required.

In case specific time periods for applications exist, an applicant shall be allowed a reasonable period for the submission of an application. The competent authority shall initiate the processing of an application without undue delay. If possible, applications should be accepted in electronic format under the same conditions of authenticity as paper submissions.

Each Party shall endeavour to establish the indicative timeframe for processing of an application and shall, at the request of the applicant and without undue delay, provide information concerning the status of the application. Each Party shall ensure that the processing of an application, including reaching a final decision, is completed within a reasonable timeframe after the date of submission of a complete application.

The competent authority shall, within a reasonable period of time after the receipt of an application which it considers incomplete, inform the applicant, identify, to the extent feasible, the additional information required to complete the application, and provide the applicant with the opportunity to correct deficiencies.

The competent authority shall accept copies of documents that are authenticated in accordance with the Partyâs law, in

place of original documents, unless the competent authority requires original documents to protect the integrity of the authorisation process.

If an application is rejected by the competent authority, the applicant shall be informed, either at its own request or upon the competent authorityâs initiative, in writing and without undue delay. In principle, the applicant shall be informed of the reasons for rejection of the application and of the timeframe for an appeal against this decision. An applicant should be permitted, within reasonable time limits, to resubmit an application.

Each Party shall ensure that a licence or an authorisation, once granted, enters into effect without undue delay in accordance with the terms and conditions specified therein.

Authorisation fees do not include fees for the use of natural resources, payments for auction, tendering or other non-discriminatory means of awarding concessions, or mandated contributions to universal service provision.

11. Where examinations are required for an authorisation, the competent authority shall ensure such examinations at reasonably frequent intervals and provide a reasonable period of time to enable applicants to request to take the examination.

Article 13.4. Review

If the results of the negotiations related to Article VI(4) of the GATS enter into force, the Parties shall jointly review such results. Where the joint review assesses that the incorporation of such results into this Agreement would improve the disciplines contained herein, the Parties shall jointly determine whether to incorporate such results into this Agreement.

[EU: SECTION B PROVISIONS OF GENERAL APPLICATION]

Article 9. BisAdministration of Measures of General Application

Each Party shall ensure that all measures of general application affecting trade in services are administered in a reasonable, objective and impartial manner.

Article 9. Ter Appeal of Administrative Decisions

Each Party shall maintain or institute judicial, arbitral or administrative tribunals or procedures which provide, at the request of an affected investor or service supplier, for a prompt review of, and where justified, appropriate remedies for, administrative decisions affecting establishment, cross border supply of services or temporary presence of natural persons for business purposes. Where such procedures are not independent of the agency entrusted with the administrative decision concerned, each Party shall ensure that the procedures in fact provide for an objective and impartial review.

Chapter 14. MUTUAL RECOGNITION OF PROFESSIONAL QUALIFICATIONS

Article 14.1. Mutual Recognition of Professional Qualifications

1. Nothing in this Chapter shall prevent a Party from requiring that natural persons possess the necessary qualifications and professional experience specified in the territory where the activity is performed, for the sector of activity concerned.

2. The Parties shall encourage the relevant professional bodies or respective authorities for the sector of activity concerned, in their respective territories, to develop and provide recommendations on mutual recognition of professional qualifications to the [Committee] established pursuant to Article X (Specialised Committees). Such joint recommendations shall be supported by an evidence-based assessment of:

(a) the economic value of an envisaged arrangement on mutual recognition of professional qualifications (hereinafter referred to as âMutual Recognition Arrangementâ); and

(b) the compatibility of the respective regimes, that is, the extent to which the requirements applied by each Party for the authorisation, licensing, operation and certification are compatible.

3, On receipt of a joint recommendation, the [Committee] shall, review its consistency with this Agreement within a reasonable period of time. The [Committee] may, following such review, develop and adopt a Mutual Recognition Arrangement by decision as an annex to this Agreement, which shall be considered to form an integral part of this Chapter! .

4. An arrangement referred to under paragraph 3 shall provide for the conditions for recognition of professional qualifications acquired in the Union and professional qualifications acquired in Chile relating to an activity covered by Chapter 10 (Investment liberalisation), Chapter 11 (CBTS), Chapter XX (mode 4) and Chapter XX [Digital Trade].

5. The Guidelines for arrangements on the recognition of professional qualifications set out in Annex XX [Guidelines for arrangements on the recognition of professional qualifications] shall be taken into account in the development of the joint recommendations referred to in paragraph 2 and by the [Committee] when assessing whether to adopt such an Arrangement, as referred to in paragraph 3.

! For greater certainty, such arrangements shall not lead to the automatic recognition of qualifications but shall set, in the mutual interest of both Parties, the conditions for the competent authorities granting recognition.

Chapter 15. DELIVERY SERVICES

Article 15.1. Scope and DefinitionsThis Section Sets Out the Principles of the Regulatory Framework for All Delivery Services.

For the purpose of this Section:

(a)

(b)

(c)

(d)

(e)

(f)

âdelivery servicesâ mean postal and courier/express services, which include the following activities: the collection, sorting, transport, and delivery of postal items.

âpostal itemâ means an item up to 31.5 kg addressed in the final form in which it is to be carried by any type of delivery service provider, whether public or private, and may include items such as a letter, parcel, newspaper, catalogue, and others.

âexpress delivery servicesâ means the collection, sorting, transport and delivery of postal items at accelerated speed and reliability and may include value added elements such as collection from point of origin, personal delivery to the addressee, tracing, possibility of changing the destination and addressee in transit or confirmation of receipt.

âexpress mail servicesâ means international express delivery services supplied through the EMS Cooperative, the voluntary association of designated postal operators under Universal Postal Union (UPU).

âpostal monopolyâ means the exclusive right to supply specified delivery services within a Partyâs territory pursuant to a legislative measure by the Party.

âuniversal serviceâ means the permanent provision of a delivery service of a specified quality at all points in the territory of a Party at affordable prices for all users.

(g) âlicenceâ means an authorisation, granted to an individual supplier by a regulatory authority, setting out procedures, obligations and requirements specific to the delivery services sector.

Article 15.2. Universal Service

1. Each Party has the right to define the kind of universal service obligation it wishes to maintain. Each Party that maintains a universal service obligation shall administer it in a transparent, non-discriminatory and neutral manner with regard to all suppliers subject to the obligation.

2. Ifa Party requires inbound Express Mail Services to be supplied on a universal service basis, it shall not accord preferential treatment to this service over other international express delivery services.

Article 15.3. Prevention of Market Distortive Practices

Each Party shall ensure that a supplier of delivery services subject to a universal service obligation or a postal monopoly does not engage in market distortive practices such as:

(a) using revenues derived from the supply of such service to cross-subsidize the supply of an express delivery service or any non-universal delivery service, and

(b) unjustifiably differentiating among customers such as businesses, large volume mailers or consolidators with respect to tariffs or other terms and conditions for the supply of a service subject to a universal service obligation or a postal monopoly.

Article 15.4. Licences

1. When a Party requires a licence for the provision of delivery services, it shall make publicly available:

(a) all licensing requirements and the period of time normally required to reach a decision concerning an application for a licence; and

(b) the terms and conditions of licences.

2. The procedures, obligations and requirements of a license shall be transparent, non- discriminatory and based on objective criteria.

3. Each Party shall inform the applicant of the reasons for denial of the licence in writing. Each party shall ensure that it institutes or maintains an appeal procedure through a body that is independent from the parties involved. This body may be a court.

Article 15.5. Independence of the Regulatory Body

Each Party shall ensure that any authority responsible for regulating delivery services is not accountable to any supplier of delivery services, and that the decisions and procedures that the authority adopts are impartial, non-discriminatory and transparent with respect to all market participants in its territory. Each Party shall ensure that such an authority performs its tasks in a timely manner and has adequate financial and human resources.

Chapter 16. TELECOMMUNICATIONS SERVICES

Article 16.1. Scope1. this Section Sets Out Principles of the Regulatory Framework for the Provision of Telecommunications Networks and Services, Liberalised Pursuant to Sections [...], [...] and [...] of this Chapter.

2. This Section does not apply to services providing, or exercising editorial control over, content transmitted using telecommunication networks and services.

Article 16.2. Definitions

For the purposes of this Section:

a)

b)

"associated facilities" means those services, physical infrastructures and other facilities associated with a telecommunications network and/or service which enable and/or support the provision of services via that network and/or service or have the potential to do so_and may include, among other things, buildings or entries to buildings, building wiring, antennae, towers and other supporting constructions, ducts, conduits, masts, manholes, and cabinets;

"essential facilities" mean facilities of a public telecommunications network or service that:

i) are exclusively or predominantly provided by a single or limited number of suppliers; and

ii) cannot feasibly be economically or technically substituted in order to provide a service;

"interconnection" means the linking of public telecommunications networks used by the same or different suppliers of

telecommunications networks or services in order to allow the users of one supplier to communicate with users of the same or another supplier or to access services provided by another supplier. Services may be provided by the suppliers involved or any other supplier who has access to the network;

d) âleased circuits" means telecommunications services or facilities, including those of a virtual nature, that set aside capacity for the dedicated use of, or availability to, a user between two or more designated points.

e) "major supplier" means a supplier of telecommunications networks or services which has the ability to materially affect the terms of participation (having regard to price and supply) in a relevant market for telecommunications networks or services as a result of control over essential facilities or the use of its position in that market;

f) "network element" means a facility or equipment used in supplying a public telecommunications service, including features, functions and capabilities provided by means of that facility or equipment;

g) "number portability" means:

For the European Union, the ability of all subscribers of public telecommunications services who so request to retain, at the same location in the case of fixed line subscribers, the same telephone numbers without impairment of quality, reliability or convenience when switching between the same category of suppliers of public telecommunications services;

For Chile, the ability of end-users to retain existing telephone numbers when switching between suppliers of public telecommunications services without impairment of quality, reliability or convenience;

h) âpublic telecommunications network" means any telecommunications network used wholly or mainly for the provision of public telecommunications services between network termination points;

i) âpublic telecommunications service" means any telecommunications service that is offered to the public generally;

j) "subscriber" means any natural or juridical person that is party to a contract with a supplier of public telecommunications services for the supply of such services;"

k) "telecommunications" means the transmission and reception of signals by any electromagnetic means;

1) âtelecommunications network" means transmission systems and, where applicable, switching or routing equipment and other resources, including network elements which are not active, which permit the transmission and reception of signals by wire, radio, optical, or other electromagnetic means;

m) "telecommunications regulatory authority" means the body or bodies charged by a Party with the regulation of telecommunications networks and services covered by this Section!;

n) "telecommunications service" means a service which consists wholly or mainly in the transmission and reception of signals, including of broadcasting signals, via telecommunications networks, including via networks used for broadcasting.

1 For greater certainty, this includes any authority charged by a Party with the enforcement of the disciplines in this Section.

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P)

D

Telecommunications services exclude services providing, or exercising editorial control over, content transmitted using telecommunications networks and services;

"universal service" means the minimum set of services of specified quality that must be made available to all users in the territory of a Party regardless of their geographical location and at an affordable price;

"user" means any legal entity or natural person using a public telecommunications network or service;

âinternet access serviceâ means a public telecommunications service that provides access to the internet in the territory of a Party, and thereby connectivity to virtually all end points of the internet, irrespective of the network technology and terminal equipment used.

Article 16.3. Telecommunications Regulatory Authority

Each Party shall ensure that its telecommunications regulatory authority is legally distinct and functionally independent

from any supplier of telecommunications networks, telecommunications services or telecommunications equipment, and that the decisions of and the procedures used by the telecommunications regulatory authority are impartial with respect to all market participants.

A Party that retains ownership or control of suppliers of telecommunications networks or services or telecommunications equipment shall ensure effective structural separation of the regulatory function from activities associated with ownership or control.

With a view to ensuring the independence and impartiality of telecommunications regulatory authorities, each Party shall ensure in particular that its telecommunications regulatory authority does not hold a financial interest or maintain an operating or management role in any supplier of public telecommunications networks or services, or telecommunications equipment.

Each Party shall ensure that suppliers of telecommunications networks or services, or telecommunications equipment do not influence the decisions and procedures of the telecommunications regulatory authority.

Each Party shall ensure that the telecommunications regulatory authority has the regulatory power, as well as adequate financial and human resources, to carry out the tasks assigned to it to enforce the obligations set out in this Section. Such power shall be exercised transparently and in a timely manner. The tasks to be undertaken by a regulatory authority shall be made public in an easily accessible and clear form, in particular where those tasks are assigned to more than one body.

6. Each Party shall provide its telecommunications regulatory authority with the power to ensure that suppliers of telecommunications networks or services provide it, promptly upon request, with all the information, including financial information, which is necessary to enable the telecommunications regulatory authority to carry out its tasks in accordance with this Section. Information requested shall be treated in accordance with the requirements of confidentiality.

7. Each Party shall ensure that a user or supplier of telecommunications networks or services affected by a decision of the telecommunications regulatory authority has the tight to appeal against that decision to an appeal body that is independent of the telecommunications regulatory authority and of the parties affected by the decision. Pending the outcome of the appeal, the decision of the telecommunications regulatory authority shall stand, unless interim measures are granted in accordance with national

law. Article 16.4 Authorisation to Provide Telecommunications Services 1. Where a Party requires an authorisation for the provision of telecommunications

networks or services, the Party shall make publicly available the types of services requiring authorisation, all authorisation criteria, any terms and conditions generally associated with the authorisation, and the applicable procedures.

[to be dropped if provided for in the final negotiated general Domestic Regulation provisions]

2. If a Party requires a formal authorisation decision, it shall state a reasonable period of time normally required to obtain such a decision, communicate this in a transparent manner and shall endeavour to ensure that the decision is taken within the stated period of timeâ.

3. Any authorisation criteria and applicable procedures shall be as simple as possible, objective, transparent, non-discriminatory and proportionate. Any obligations and conditions imposed on or associated with an authorisation shall be non- discriminatory, transparent, proportionate and related to the services provided.

4. Each Party shall ensure that an applicant receives in writing the reasons for the denial or the revocation of an authorisation, or the imposition of supplier-specific conditions. In such cases, an applicant shall be able to seek recourse before an appeal body. [to be dropped if provided for in the final negotiated general Domestic Regulation provisions]

? For greater certainty, this provision does not preclude a Party from authorising the provision of telecommunications networks or services without a formal authorisation procedure and permitting the supplier to start providing its networks or services upon simple notification without having to wait for a decision by the telecommunications regulatory authority.

5. Administrative fees imposed on suppliers, if any, shall be objective, transparent, non- discriminatory and commensurate with the administrative costs reasonably incurred in the management, control and enforcement of the obligations set out in this Sectionâ, [to be dropped if provided for in the final negotiated general Domestic Regulation provisions]

Article 16.5. Interconnection

Each Party shall ensure that a supplier of public telecommunications networks or services has the right and, upon the

request of another supplier of public telecommunications networks or services, the obligation to negotiate interconnection for the purpose of providing public telecommunications networks or services.

Article 16.6. Access and Use

1. Each Party shall ensure that any service supplier of the other Party is accorded access to and use of public telecommunications networks or services on reasonable and non- discriminatory* terms and conditions. This obligation shall be applied, inter alia, through paragraphs 2 through 5 of this Article.

2. Each Party shall ensure that service suppliers of the other Party have access to and use of any public telecommunications service offered within or across the border of that Party, including private leased circuits, and to this end shall ensure, subject to the provisions in paragraph 5 of this Article, that such suppliers are permitted:

a) to purchase or lease and attach terminal or other equipment which interfaces with the network and which is necessary to supply a supplier's services;

b) to interconnect private leased or owned circuits with public telecommunications networks or with circuits leased or owned by another service supplier; and

c) to use operating protocols of their choice in the supply of any service, other than as necessary to ensure the availability of telecommunications services to the public generally.

3. Each Party shall ensure that service suppliers of the other Party may use public telecommunications networks and services for the movement of information within and

? Administrative fees do not include payments for rights to use scarce resources and mandated contributions to universal service provision.

4 For the purposes of this article, "non-discriminatoryâ means most-favoured-nation and national treatment as defined in [articles XX and YY], as well as under terms and conditions no less favourable than those accorded to any other user of like public telecommunications networks or services in like situations,

across borders, including for intra-corporate communications of such service suppliers, and for access to information contained in data bases or otherwise stored in machine- readable form in the territory of either Party.

4. Notwithstanding the provisions in paragraph 3, a Party may take such measures as are necessary to ensure the security and confidentiality of communications, subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on trade in services.

5. Each Party shall ensure that no condition is imposed on access to and use of public telecommunications services other than as necessary:

a) to safeguard the public service responsibilities of suppliers of public telecommunications networks or services, in particular their ability to make their services available to the public generally;

b) to protect the technical integrity of public telecommunications networks or services.

Article 16.7. Resolution of Telecommunications Disputes

1. Each Party shall ensure that, in the event of a dispute arising between suppliers of telecommunications networks or services in connection with rights and obligations that arise from this Section, and at the request of either party involved in the dispute, the telecommunications regulatory authority issues a binding decision within a reasonable timeframe to resolve the dispute.

2. The decision issued by the telecommunications regulatory authority shall be made available to the public, having regard to the requirements of business confidentiality. The parties concerned shall be given a full statement of the reasons on which it is based and shall have the right to appeal this decision, according to Article 16.3 Telecommunications Regulatory Authority, paragraph 5 of this Section.

3. The procedure referred to in paragraphs 1 and 2 of this Article shall not preclude either party concerned from bringing an action before the courts.

Article 16.8. Competitive Safeguards on Major Suppliers

Each Party shall introduce or maintain appropriate measures for the purpose of preventing suppliers of telecommunications networks or services who, alone or together, are a major

conditions for the purpose of providing public telecommunications services, except when this is not necessary to achieve effective competition on the basis of the facts collected and the assessment of the market conducted by the telecommunications regulatory authority. The major supplier's essential facilities may include, inter alia, network elements, leased circuits services and associated facilities.

Article 16.11. Scarce Resources

Each Party shall ensure that the allocation and granting of rights of use of scarce resources, including radio spectrum, numbers and rights of way, is carried out in an open, objective, timely, transparent, non-discriminatory and proportionate manner and in pursuit of general interest objectives. Procedures, and conditions and obligations attached to rights of use, shall be based on objective, transparent, non-discriminatory and proportionate criteria.

The current use of allocated frequency bands shall be made publicly available, but detailed identification of radio spectrum allocated for specific government uses is not required.

A Party's measures allocating and assigning spectrum and managing frequency are not measures that are per se inconsistent with Article [...] (market access). Accordingly, each Party retains the right to establish and apply spectrum and frequency management measures that may have the effect of limiting the number of suppliers of telecommunications services, provided that it does so in a manner consistent with the other provisions of this Agreement. This includes the ability to allocate frequency bands taking into account current and future needs and spectrum availability.

Article 16.12. Number PortabilityEach Party Shall Ensure That Suppliers of Public Telecommunications Services Provide Number Portability, on a Timely Basis, and on Reasonable Terms and Conditions.

1.

Article 16.13. Universal Service

Each Party has the right to define the kind of universal service obligations it wishes to maintain and to decide on their scope and implementation.

2. Universal service obligations will not be regarded per se as anti-competitive, provided they are administered in a proportionate, transparent, objective and non- discriminatory way. The administration of such obligations shall be neutral with respect to competition and not be more burdensome than necessary for the kind of universal service defined by the Party.

3. Each Party shall ensure that procedures for the designation of universal service suppliers are open to all suppliers of public telecommunications networks or services. The designation shall be made through an efficient, transparent and non-discriminatory mechanism.

4. If a Party decides to fund the provision of universal service by a supplier, it shall ensure that such funding does not exceed the net cost caused by the universal service

obligation. Article 16.14 Confidentiality of Information 1. Each Party shall ensure that suppliers that acquire information from another supplier

in the process of negotiating arrangements pursuant to Articles 5.15 Interconnection, 5.16 Access and Use, 5.19 Interconnection with Major Suppliers and 5.20 Access to Major Suppliersâ Essential Facilities of this Section use that information solely for the purpose for which it was supplied and respect at all times the confidentiality of information transmitted or stored.

2. Each Party shall ensure the confidentiality of telecommunications and related traffic data transmitted in the use of public telecommunications networks or services, subject to the requirement that measures applied to that end do not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on trade in services.

Article 16.15. Foreign Shareholding

With regard to the provision of telecommunications networks or services, other than public radio broadcasting, through commercial presence and notwithstanding Articles [...] (market access, national treatment), no Party shall impose joint venture requirements or limit the participation of foreign capital in terms of maximum percentage limits on foreign shareholding or the total value of individual or aggregate foreign investment.

Article 16.16. Open and Non-discriminatory Internet Access

. The Parties shall adopt or maintain measures to ensure that suppliers of internet access services enable users of those services to access and distribute information, content and services of their choice.

. Paragraph 1 is without prejudice to the Partyâs laws related to the lawfulness of the content or services.

. Notwithstanding Paragraph 1, suppliers of internet access services may implement non- discriminatoryâ, reasonable, transparent and proportionate network management measures which are consistent with the Partyâs laws.

. The Parties shall adopt or maintain measures to ensure that suppliers of internet access services enable users of those services to use devices of their choice, provided that such devices do not harm the security of other devices, the network or services provided over the network.

Article 16.17. International Mobile Roaming . the Parties Shall Endeavour to Cooperate on Promoting Transparent and Reasonable Rates

for international mobile roaming services in ways that can help promote the growth of trade among the Parties and enhance consumer welfare.

. Parties may choose to take steps to enhance transparency and competition with respect to international mobile roaming rates and technological alternatives to roaming services, such as:

a) ensuring that information regarding retail rates is easily accessible to the public; and

b) minimising impediments to the use of technological alternatives to roaming, whereby

users visiting the territory of a Party from the territories of other Parties can access telecommunications services using the device of their choice.

Subject to the exceptions provided in the Partyâs law.

1.

Chapter 17. INTERNATIONAL MARITIME TRANSPORT SERVICES

Article 17.1. Scope, Definitions and Principles

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)

b)

c)

d)

âinternational maritime transport servicesâ 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.

âdoor-to-door or multimodal transport operationsâ means the transport of cargo using more than one mode of transport, involving an international sea-leg, under a single transport document.

âinternational cargoâ 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.

âmaritime auxiliary servicesâ means maritime cargo handling services, customs clearance services, container station and depot services, maritime agency services and maritime freight forwarding services;

âmaritime cargo handling servicesâ 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 unlashing of cargo;

iii) the reception/delivery and safekeeping of cargoes before shipment or after discharge;

f) âcustoms clearance servicesâ (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) âcontainer station and depot servicesâ 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) âmaritime agency servicesâ 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) âfreight forwarding servicesâ 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) âfeeder servicesâ 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

shall:

a)

b)

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.

In applying the principles referred to in subparagraphs 3 (a) and 3 (b), the Parties

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

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.

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.

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 captainâs 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.

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.

Chapter 18. FINANCIAL SERVICES

Article 18.1. Scope1. this Chapter Applies to a Measure Adopted or Maintained by a Party Relating to:

(a) financial institutions of the other Party;

(b) investors of the other Party, and financial institutions of such investors in the Party's territory; and

(c) cross-border trade in financial services.

2. For greater certainty, the provisions of Chapter 10 (Investment Liberalisation) apply

(a) a measure relating to an investor of a Party in a covered enterprise that is not a financial institution but is supplying a financial service, or to such covered enterprise; and

(b) a measure, other than a measure relating to the supply of financial services, relating to an investor of a Party or a covered enterprise of that investor that is a financial institution.

3. Chapter 10 (Investment Liberalisation) and Chapter X (Cross-Border Trade in Services) shall apply to measures described in paragraph 1 only to the extent that those Chapters or Articles of those Chapters are incorporated into and made part of this Chapter.

4, Article 10.12 (Denial of Benefits) and Article XX (Cross Border Trade in Services- Denial of Benefits) are hereby incorporated into and made a part of this Chapter.

5. This Chapter shall not apply to a measure adopted or maintained by a Party relating

(a) activities conducted by a central bank or monetary authority or by any other public entity in pursuit of monetary or exchange rate policies;

(b) activities or services forming part of a public retirement plan or statutory system of social security; or

(c) activities or services conducted for the account of the Party, with the guarantee or using the financial resources of the Party, including its public entities,

except that this Chapter shall apply to the extent that a Party allows any of the activities or services referred to in subparagraph (a) or (b) to be conducted by its financial institutions in competition with a public entity or a financial institution.

7. The provisions of Articles 18.3 (National Treatment), 18.5 (Most-Favoured-Nation Treatment), 18.6 Market Access, 18.7 (Cross-border trade in services), 18.8 (Senior Management and Boards of Directors) and 18.9 (Performance Requirements), shall not apply with respect to government procurement.

8. The provisions of Articles 18.3 (National Treatment), 18.5 (Most-Favoured-Nation Treatment), [18.6 Market Access,] 18.7 (Cross-border trade in services), and 18.8 (Senior Management and Boards of Directors), shall not apply with respect to

subsidies granted by the Parties, including government-supported loans, guarantees and insurances.

Article 18.2. Definitions for the Purposes of this Chapter: (a) âfinancial Serviceâ Means a Service of a Financial Nature, Including Insurance

and insurance-related services, banking and other financial services (excluding insurance). Financial services include the following activities:

6D) insurance and insurance-related services

(A) _ direct insurance (including co-insurance):

(B)

(C)

(D)

(aa) life;

(bb) non-life;

teinsurance and retrocession;

insurance inter-mediation, such as brokerage and agency; and

services auxiliary to insurance, such as consultancy, actuarial, tisk assessment and claim settlement services.

Gi) banking and other financial services (excluding insurance):

(A)

(B)

(C)

(D)

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(F)

acceptance of deposits and other repayable funds from the public;

lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction;

financial leasing;

all payment and money transmission services, including credit, charge and debit cards, travellers cheques and bankers drafts;

guarantees and commitments;

trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:

(aa) money market instruments (including cheques, bills, certificates of deposits);

(G)

(A)

@

@)

{K)

(L)

(bb) foreign exchange;

(cc) derivative products including, but not limited to, futures and options;

exchange rate and interest rate instruments, inclu (dd) hange rate and interest rate instr ts, including products such as swaps, forward rate agreements;

(ee) transferable securities;

(ff) other negotiable instruments and financial assets, including bullion;

participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately) and provision of services related to such issues;

money broking;

asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services;

settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments;

provision and transfer of financial information, and financial data processing and related software;

advisory, intermediation and other auxiliary financial services on all the activities listed in subparagraphs (A) through (K), including credit reference and analysis, investment and

portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.

cross-border financial service supplier of a Party means a person of a Party that is engaged in the business of supplying a financial service within the territory of the Party and that seeks to supply or supplies a financial service through the cross-border supply of such service;

cross-border supply of financial services or cross-border trade in financial services means the supply of a financial service:

(a) from the territory of a Party into the territory of the other Party; or

(b) in the territory of a Party by a person of that Party to a services consumer of the other Party;

financial institution means a supplier that supplies one or more of the services defined as being financial services in this Article, if the supplier is regulated or supervised in respect of the supply of those services as a financial institution under the law of the Party in whose territory it is located, including a branch in the territory of the Party of that financial service supplier whose head offices are located in the territory of the other Party;

(b) âfinancial service supplier of a Partyâ means any natural or juridical person of a Party that seeks to supply or supplies a financial service but does not include a public entity.

investor of a Party means a natural person or a juridical person of such Party that seeks to establish, is establishing or has established a financial institution in the territory of the other Party.

(c) ânew financial serviceâ means a service of a financial nature including services related to existing and new products or the manner in which a product is delivered, that is not supplied by any financial service supplier in the territory of a Party but which is supplied in the territory of the other Party;

(d) âpublic entityâ means:

@) a government, a central bank or a monetary authority, of a Party, or any entity owned or controlled by a Party, that is principally engaged in catrying out governmental functions or activities for governmental purposes, but does not include an entity principally engaged in supplying financial services on commercial terms; or

(ii) a private entity, that performs functions normally performed by a central bank or monetary authority, when exercising those functions.

(e) âself-regulatory organisationâ means a non-governmental body, including a securities or futures exchange or market, clearing agency, or other organisation or association, that exercises regulatory or supervisory authority over financial service

suppliers or financial institutions by statute or delegation from central, regional or local governments or authorities, where applicable.

Article 18.3. National Treatment

1. Article 10.6 (National treatment) is incorporated into and made a part of this Chapter and applies to treatment of investors of the other Party and their covered enterprises that are financial institutions.

2. The treatment accorded by a Party to investors of the other Party and their covered enterprises that are financial institutions under Article 10.6 (National treatment) means treatment accorded to its own investors in financial institutions and their enterprises that are financial institutions.

[EU comment: the changes in para 2 above reflect the drafting agreed between CL and the EU in the last round held in October 2022. However, on reflection we believe that these changes were not well thought, therefore we propose to go back to the original drafting agreed in 2021: The treatment accorded by a Party to its own investors and enterprises of its own investors under Article 10.6 (National treatment) means treatment accorded to its own investors in financial institutions and their enterprises that are financial institutions.]

Article 18.4. Public Procurement

1. Each Party shall ensure that financial institutions of the other Party established in its territory are accorded treatment no less favourable than that accorded, in like situations, to its own financial institutions with respect to any measure regarding the purchase of goods or services by a procuring entity for governmental purposes.

2. The application of the national treatment obligation provided for in this Article remains subject to the security and general exceptions defined in Article I of the GP Chapter of this Agreement.

Article 18.5. Most Favoured Nation Treatment

1. Article 10.8 (Most Favoured Nation Treatment) is incorporated into and made a part of this Chapter and applies to treatment of investors of the other Party and their covered enterprises that are financial institutions.

2. The treatment accorded by a Party to investors of the other Party and their covered enterprises that are financial institutions under Article 10.8 (Most Favoured Nation Treatment) means treatment accorded to investors of a third country and their enterprises that are financial institutions.

[EU comment: the changes in para 2 above reflect the drafting agreed between CL and the EU in the last round held in October 2022. However, on reflection we believe that these changes were not well thought therefore we propose to go back to the original drafting agreed in 2021, with only minor adaptation to ensure consistency with the terminology of Article 10.8. Para 2 should read: The treatment accorded by a Party to investors of a non- Party and to enterprises of such investors under Article 10.8 (Most Favoured Nation Treatment) means treatment accorded to investors in financial institutions of a non-Party and their enterprises that are financial institutions.

Article 18.6. Market Access

1, In the sectors or subsectors listed in Annex X (Market Access) where market access commitments are undertaken, neither Party shall adopt or maintain, with respect to market access through establishment or operation of financial institutions, either on the basis of its entire territory or on the basis of a territorial subdivision, a measure that:

(a) imposes limitations on:

6D) the number of financial institutions, whether in the form of numerical quotas, monopolies, exclusive service suppliers or the requirement of an economic needs test;

Gi) the total value of financial service transactions or assets in the form of numerical quotas or the requirement of an economic needs test;

Gii) the total number of financial service operations or the total quantity of financial services output expressed in terms of designated numerical units in the form of quotas or the requirement of an economic needs test; or

(iv) the total number of natural persons that may be employed in a particular financial services sector or that a financial institution may employ and who are necessary for, and directly related to, the supply of a specific financial service in the

form of numerical quotas or the requirement of an economic needs test; or

(b) __ restricts or requires specific types of legal entity or joint venture through which a financial institution may supply a service.

2. For greater certainty, this Article does not prevent a Party from requiring a financial institution to supply certain financial services through separate legal entities if, under the law of the Party, the range of financial services supplied by the financial institution may not be supplied through a single entity.

Article 18.7. Cross-border Supply of Financial Services

1, Articles 11.5 (Cross-Border Trade in Services (National Treatment), 11.6 (Cross- Border Trade in Services (Most Favoured Nation), 11.8 (Cross-Border Trade in Services (Market Access), 11.7 (Cross-Border Trade in Services (Local Presence) are incorporated into and made part of this Chapter and apply to measures affecting cross-border financial service suppliers supplying the financial services specified in Section A of its Schedule in Annex XX (Financial Services Non-Conforming Measures).

2. Each Party shall permit persons located in its territory, and its nationals wherever located, to purchase financial services from cross-border financial service suppliers of another Party located in the territory of a Party other than the permitting Party. This obligation does not require a Party to permit those suppliers to do business or solicit in its territory. A Party may define âdoing businessâ and âsolicitationâ for the purposes of this obligation provided that those definitions are not inconsistent with paragraph 1.

3. Without prejudice to other means of prudential regulation of cross-border trade in financial services, a Party may require the registration or authorisation of cross-border financial service suppliers of another Party and of financial instruments.

Article 18.8. Senior Management and Boards of Directors

A Party shall not require that a financial institution of the other Party, which is established in the first Party, appoints natural persons of a particular nationality as members of boards of directors or to a senior management position, such as executives or managers.

Article 18.9. Performance Requirements

1. Neither Party may, in connection with the establishment or operation of any financial institution of a Party or of a non-Party in its territory, impose or enforce any requirement, or enforce any commitment or undertaking to:

2.

(a)

(b)

(c)

(d)

(e)

(f)

(g)

(h)

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G)

export a given level or percentage of goods or services;

achieve a given level or percentage of domestic content;

purchase, use or accord a preference to goods produced or services provided in its territory, or to purchase goods or

services from natural persons or enterprises in its territory;

relate in any way the volume or value of imports to the volume or value of exports or to the amount of foreign exchange inflows associated with such financial institution;

restrict sales of goods or services in its territory that such financial institution produces or provides by relating such sales in any way to the volume or value of its exports or foreign exchange earnings;

transfer technology, a production process or other proprietary knowledge to a natural person or an enterprise in its territory;

supply exclusively from the territory of the Party the goods it produces or the services it supplies to a specific regional or world market;

locate the headquarters of that financial institution for a specific region of the world, which is broader than the territory of the Party, or of the world market in its territory;

hire a given number or percentage of its nationals;

restrict the exportation or sale for export.

Neither Party may condition the receipt or continued receipt of an advantage, in connection with the establishment or the operation of a financial institution in its territory, of a Party or of a non-Party, on compliance with any of the following requirements:

(a)

(b)

(c)

(d)

(e)

to achieve a given level or percentage of domestic content;

to purchase, use or accord a preference to goods produced or services provided in its territory, or to purchase goods or services from natural persons or enterprises in its territory;

to relate in any way the volume or value of imports to the volume or value of exports or to the amount of foreign exchange inflows associated with such financial institution;

to restrict sales of goods or services in its territory that such financial institution produces or provides by relating such sales in any way to the volume or value of its exports or foreign exchange earnings or

to restrict the exportation or sale for export.

3. Paragraph 2 shall not be construed as preventing a Party from conditioning the receipt or continued receipt of an advantage, in connection with the establishment or the operation of financial institutions in its territory by an investor of a Party or a non-Party, on compliance with a requirement to locate production, provide a service, train or employ workers, construct or expand particular facilities, or carry out research and development in its territory.

4. Paragraph 1 (f) does not apply

(a)

(b)

if a Party authorises use of an intellectual property right in accordance with Article 31 or article 31 bis of the TRIPS Agreement or adopts or maintains measures requiring the disclosure of data or propriety information that fall within the scope of, and are consistent with, paragraph 3 of Article 39 of the TRIPS Agreement; or

if the requirement is imposed or the commitment or undertaking is enforced by a court, administrative tribunal, or competition authority to remedy a practice determined after judicial or administrative process to be a violation of the Partyâs competition laws.

6. Paragraphs 1 (a), 1 (b), 1 (c), 2 (a) and 2 (b) do not apply to qualification requirements for goods or services with respect to participation in export promotion and foreign aid programmes;

7. Paragraphs 2 (a) and 2 (b) do not apply to requirements imposed by an importing Party relating to the content of goods necessary to qualify for preferential tariffs or preferential quotas.

8. For greater certainty, this Article shall not be construed as requiring a Party to permit a particular service to be supplied on a cross-border basis where that Party adopts or maintains restrictions or prohibitions on such provision of services which are consistent with the reservations, conditions or qualifications specified with respect to a sector, subsector or activity listed in Annex XXX (annexes with non-conforming measures or MA restrictions).

[DN: âWithin 30 days following the political conclusion of this agreement, Chile may amend its schedule as required. Any amendment must be limited to the listing of reservations that do not conform with the performance requirements obligation under this Chapter, in Section C [existing measures] of Annex XXX [FFSS]. In addition, the schedule sent by CL the 25 of October does not include a reservation covering performance requirements on social welfare, which will nonetheless be considered as making part of the current schedule.]

9. This Article is without prejudice to commitments of a Party made under the WTO Agreement.

Article 18.10. Non-conforming Measures

1, Article 18.3 (National Treatment), Article 18.5 (MFN), Article 18.7 (Cross-Border Trade in Financial Services) and Article 18.8 (Senior Management and Boards of Directors), Article 18.9 (Performance Requirements) do not apply to:

(a) any existing non-conforming measure that is maintained by: For the European Union:

(i) the European Union as set out [in its Schedule in Annex XX (Financial Services Non-Conforming Measures)];

Gi) a central government of a Member State of the European Union, as set out in [Section A of its Schedule in Annex XX (Financial Services Non-Conforming Measures)];

Gii) a regional level of government of a Member State of the European Union, as set out in [Section C of its Schedule in Annex XX (Financial Services Non-Conforming Measures)]; or

(iv) a local of government; and

For Chile:

Gi) the central government or a regional level of government, as set out in [Section C of its Schedule in Annex XX (Financial Services Non- Conforming Measures)];

(iv) a local level of government;

(b) the continuation or prompt renewal of any non-conforming measure referred to in subparagraph (a); or

(c) an amendment to any non-conforming measure referred to in subparagraph (a) to the extent that the amendment does not decrease the conformity of the measure as it existed immediately before the amendment, with Article 18.3 (National Treatment), Article 18.5 (Most Favored Nation Treatment),Article 18.8 (Senior Management and Boards of Directors) , Article 18.7 (Cross- Border Trade in Financial Services) or Article 18.9 (Performance Requirements); or

(2. Article 18.3 (National Treatment), Article 18.5 (Cross-Border Trade in Financial Services) and Article 18.8 (Senior Management and Boards of Directors) do not apply to any measure that a Party adopts or maintains with respect to sectors, subsectors, or activities, as set out by that Party in Section D of its Schedule in Annex XX (Financial Services Non- Conforming Measures).

3. Neither Party may, under any measure adopted after the date of entry into force of this Agreement and covered by D of its Schedule in Annex XX (Financial Services Non- Conforming Measures), require an investor of the other Party, by reason of its nationality, to

sell or otherwise dispose of its financial institution existing at the time the measure becomes effective.

4. Article 18.6 (Market Access) does not apply to any measure of a Party which is consistent with a reservation set out in Section D of its Schedule in Annex XX (Financial Services Non- Conforming Measures).

5. Where a Party has set out a reservation to Article 10.6 (National Treatment), Article 10.10 (Senior Management and

Boards of Directors), Article 11.5 (National Treatment), or Article 18.9 (Performance requirements), in its Schedule to Annex I or II, the reservation also constitutes a reservation to Article 18.3 (National Treatment), Article 18.5 (Cross-Border Trade in Financial Services), Article 18.8 (Senior Management and Boards of Directors) , or Article 18.9 (Performance requirements), as the case may be, to the extent that the measure, sector, sub-sector or activity set out in the reservation is covered by this Chapter.]

Article 18.11. Prudential Carve-out

1. Nothing in this Agreement shall prevent a Party from adopting or maintaining measures for prudential reasons, such as:

(a) the protection of investors, depositors, policy-holders or persons to whom a fiduciary duty is owed by a financial service supplier; or

(b) to ensure the integrity and stability of a Partyâs financial system.

2. Where such measures do not conform to the provisions of this Agreement, they shall not be used as a means of avoiding the Partyâs commitments or obligations under the Agreement.

Article 18.12. Treatment of Information

Nothing in this Agreement shall be construed to require a Party to disclose information relating to the affairs and accounts of individual customers or any confidential or proprietary information in the possession of public entities.

Article 18.13. Domestic Regulation and Transparency

1. Chapter 13 (Domestic Regulation) of Chapter V (Regulatory Framework) and chapter 29 (Good Regulatory Practices) shall not apply to measures relating to the subject matter of this Chapter.

2. To the extent practicable and in a manner consistent with its legal system for adopting measures, each Party shall :

(a) publish in advance

(i) the laws and regulations of general application it proposes to adopt in relation to matters falling within the scope of this Chapter; or

(ii) documents that provide sufficient details about such a possible new law or regulation to allow interested persons and the other Party to assess whether and how their interests might be significantly affected.

(b) provide interested persons and the other Party a reasonable opportunity to comment on such proposed measures or documents published under (a);

(c) consider comments received under (b); and

(d) allow a reasonable time between the publication of the measures referred to in (a)(i) and the date on which service suppliers must comply with them.

3. This article shall apply to measures relating to licensing requirements, licensing procedures, and qualification requirements and qualification procedures in sectors for which the Party has undertaken specific commitments and to the extent that these specific commitments apply.

4. Ifa Party adopts or maintains measures relating to the authorisation for the supply of a financial service, that Party shall ensure that:

(a) (b)

(c)

such measures are based on objective and transparent criteriaâ;

the procedures are impartial, and that the procedures are adequate for applicants to demonstrate whether they meet the requirements, if such requirements exist; and

the procedures do not in themselves unjustifiably prevent fulfilment of the requirements.

5. | Where authorisationâ is required each Party shall promptly publish or otherwise make publicly available the information necessary for the applicant to comply with the requirements and procedures for obtaining, maintaining, amending and renewing such authorisation. Such information shall include, inter alia, where it exists:

(a) the requirements and procedures; (b) contact information of relevant competent authorities; (c) procedures for appeal or review of decisions concerning applications; (d) procedures for monitoring or enforcing compliance with the terms and conditions of licenses and qualifications; or (e) opportunities for public involvement, such as through hearings or comments. 6. If a Party requires authorisation for the supply of a financial service, the competent authorities of a Party shall: (a) to the extent practicable, permit an applicant to submit an application at any time throughout the year; (b) â allow a reasonable period for the submission of an application if specific time periods for applications exist; (c) initiate the processing of the application without undue delay; (d) endeavour to accept applications in electronic format under the same conditions of authenticity as paper submissions; and (e) accept copies of documents, which are authenticated in accordance with the

Partyâs domestic law, in place of original documents, unless they require original documents to protect the integrity of the authorisation process.

' Such criteria may include inter alia competence and the ability to supply a service, including to do so in a manner consistent with a Partyâs regulatory requirements. Competent authorities may assess the weight to be given to each criterion.

2 For the purposes of this Chapter, âauthorisationâ means the permission to supply a financial service, resulting from a procedure to which an applicant must adhere in order to demonstrate compliance with licensing requirements or qualification requirements.

3 For greater certainty, competent authorities are not required to start considering applications outside of their official working hours and working days.

7. Each Party shall endeavour to make authorisation procedures and formalities as simple as possible and shall not unduly complicate or delay the provision of the service.

8. Each Party shall endeavour to establish the indicative timeframe for processing of an application and shall, at the request of the applicant and without undue delay, provide information concerning the status of the application.

X If the competent authorities consider an application incomplete for processing under the Partyâs domestic laws and regulations, within a reasonable period of time, to the extent practicable:

(i) inform the applicant that the application is incomplete;

(ii) at the request of the applicant, identify the additional information required to complete the application, or otherwise provide guidance on why the application is considered incomplete; and

(iii) provide the applicant with the opportunityâ to provide the additional information that is required to complete the application;

however, if none of the above is practicable, and the application is rejected due to incompleteness, ensure that they so inform the applicant within a reasonable period of time.

9. Each Party shall ensure that its competent authorities, with respect to authorisation fees> that they charge, provide applicants with a schedule of fees or information on how fee amounts are determined, and do not use the fees as a means of avoiding the Partyâs commitments or obligations.

10. | The competent authority should reach its decision in an independent manner and not be accountable to any person supplying the services for which the licence or authorisation is required.

11. Each Party shall ensure that the processing of an application, including reaching a final decision, is completed within a reasonable timeframe after the date of submission of a complete application and that the applicant is informed of the decision concerning the application, to the extent possible, in writing.

4 Such opportunity does not require a competent authority to provide extensions of deadlines.

5 Authorisation fees do not include fees for the use of natural resources, payments for auction, tendering or other non-discriminatory means of awarding concessions, or mandated contributions to universal service provision.

12. âIf an application is rejected by the competent authority, the applicant shall be informed, either at its own request or upon the competent authorityâs initiative, in writing and without undue delay. To the extent practicable, the applicant shall

be informed of the reasons for rejection of the application and of the timeframe for an appeal against this decision. An applicant should be permitted, within reasonable time limits, to resubmit an application.

13. | Where examinations are required for an authorisation, the regulatory authority shall ensure such examinations at reasonably frequent intervals and provide a reasonable period of time to enable applicants to request to take the examination.

14, Each Party shall ensure that an authorisation, once granted, enters into effect without undue delay in accordance with the terms and conditions specified therein.

Article 18.14. Financial Services New to the Territory of a Party

1. Each Party shall permit a financial institution of the other Party, other than a branch, to supply any new financial service that the former Party would permit its own financial institutions to supply in accordance with its domestic law, in like situations, provided that the introduction of the new financial services does not require a new law or modification of an existing law.

2. A Party may determine the institutional and juridical form through which the new financial service may be supplied and may require authorisation for the supply of the service. Where such authorisation is required, a decision shall be made within a reasonable period of time and the authorisation may only be refused for prudential reasons.

3. This Article does not prevent a financial institution of a Party from applying to the other Party to consider authorising the supply of a financial service that is not supplied within either Party's territory. That application is subject to the law of the Party receiving the application and is not subject to the obligations of this Article.

Article 18.15. Self-regulatory Organisations

When a Party requires a financial institution or a cross-border financial service supplier of the other Party to be a member of, participate in, or have access to, a self-regulatory organization in order to provide a financial service in or into the territory of the first Party, it shall ensure that the self-regulatory organization observes the obligations of Articles 10.6 (National Treatment) and 10.8 (Most Favored Nation Treatment) of the Investment Liberalisation Chapter and Article 11.5 (National Treatment) and 11.6 (Most Favored Nation Treatment) of the Cross Border Trade in Services Chapter.

Article 18.16. Payment and Clearing Systems

Under terms and conditions that accord national treatment, each Party shall grant to financial institutions of the other Party established in its territory access to payment and clearing systems operated by public entities, and to official funding and refinancing facilities available in the normal course of ordinary business. This Article is not intended to confer access to the Partyâs lender of last resort facilities.

Article 18.17. Financial Services Committee

1, The Parties hereby establish the Financial Services Committee (the Committee).

The Committee shall be composed of representatives of the Parties as set out in Annex XX (Authorities responsible for Financial Services).

4, The Committee shall:

(a) supervise the implementation of this Chapter;

(b) consider issues regarding financial services that are referred to it by a Party;

(c) carry out a dialogue on the regulation of the financial services sector with a view to improving mutual knowledge of the Partiesâ respective regulatory systems and to cooperate in the development of international standards; and

6. The Committee shall meet as agreed to assess the functioning of this Agreement as it applies to financial services. The Committee shall inform the Trade Committee of the results of any meeting. Meetings may be held by any technological means available to the Parties.

Article 18.18. Consultations

1. A Party may request, in writing, consultations with the other Party regarding any matter arising under this Agreement that affects financial services. The other Party shall give sympathetic consideration to the request to hold consultations. The consulting Parties shall report the results of their consultations to the Committee.

2. Each Party shall ensure that when there are consultations pursuant to paragraph 1, its delegation shall include officials with the relevant expertise in the area covered by this Chapter as set out in Annex XX (Authorities responsible for Financial Services).

3. For greater certainty, nothing in this Article shall be construed to require a Party to derogate from its relevant law regarding sharing of information among financial regulators or the requirements of an agreement or arrangement between financial authorities of the Parties, or require regulatory authorities to take any action that would interfere with specific regulatory, supervisory, administrative, or enforcement matters.

4. Nothing in this Article shall be construed to impede that where a Party requires information for supervisory purposes concerning a financial institution in the other Party's territory or a cross-border financial service supplier in the other Party's territory, the Party may approach the competent regulatory authority in the other Party's territory to seek the information.

Article 18.19. Dispute Settlement

1, Chapter 31 (Dispute Settlement), including Annexes X (Rules of Procedure) and XX (Code of Conduct), applies as modified by this Article to the settlement of disputes concerning the application or interpretation of the provisions of this Chapter.

2. In addition to the requirements set out in Article 31.7 (Requirements for Panellists â Dispute Settlement Chapter), panellists shall have expertise or experience in financial services law or practice, which may include the regulation of financial institutions, unless the Parties agree otherwise.

3. The Financial Services Committee shall recommend to the Trade Committee the adoption of a list of at least 15 individuals, fulfilling the requirements set out in paragraph 2, who are willing and able to serve as panellists. The Trade Committee shall adopt such list no later than six months after the date of entry into force of this Agreement. The list shall be composed of three sub-lists:

(a) one sub-list of individuals established on the basis of proposals by the European Union;

(b) one sub-list of individuals established on the basis of proposals by the Republic of Chile; and

(c) one sub-list of individuals that are not nationals of either Party and who shall serve as chairperson to the panel.

4, Each sub-list shall include at least five individuals. The Trade Committee shall ensure that the list is always maintained at this minimum number of individuals.

5. For the purposes of this Chapter, the sub-lists referred to in paragraph 3 shall, after adoption, replace the sub-lists set out in paragraph 1 of Article 31.7 (List of Panellists â Dispute Settlement Chapter).

ANNEX XX AUTHORITIES RESPONSIBLE FOR FINANCIAL SERVICES

The authorities for each Party responsible for financial services are:

(a) for EU, [...]

(b) for Chile, the Ministry of Finance (Ministerio de Hacienda);]

Chapter 19. DIGITAL TRADE

Chapter Chapter I General Provisions

Article 19.1. Scope

1. This Title shall apply to trade enabled by telecommunications or other information and communication technologies.

2. The provisions in this Title shall not apply to audio-visual services.

Article 19.1. Bis Right to Regulate

The Parties affirm the right to regulate within their territories to achieve legitimate policy objectives, such as the protection of public health, social services, public education, safety, the environment, including climate change, public morals, social or consumer protection, ptivacy and data protection, or the promotion and protection of cultural diversity.

Article 19.2. Definitions

1. The definitions included in article 10.1 of the title on investment liberalization and/or trade in services apply to this title.

a. The definition of âpublic telecommunications serviceâ in Article 16.2) of the Telecommunications Chapter applies to this Chapter.

2. For the purpose of this Chapter:

a)

b)

d)

g)

âconsumerâ means any natural person, or juridical person if provided for in the laws and regulations of a Party, using or requesting a public telecommunications service for other than professional purposes;

âdirect marketing communicationâ means any form of commercial advertising by which a natural or legal person communicates marketing messages directly to end- users via a public telecommunications service and, for the purpose of this agreement, covers at least electronic mail, text and multimedia messages;

âelectronic authenticationâ means a process that enables to confirm: i, the electronic identification of a natural or juridical person, or ii. the origin and integrity of data in electronic form;

âelectronic sealâ means data in electronic form used by a legal person which is attached to or logically associated with other data in electronic form to ensure the latter's origin and integrity;

âelectronic signatureâ means data in electronic form which is attached to or logically associated with other electronic data and fulfils the following requirements:

i, it is used by a natural person to agree on the electronic data to which it relates;

ii. it is linked to the electronic data to which it relates in such a way that any subsequent alteration in the data is detectable;

âelectronic trust servicesâ means an electronic service consisting of the creation, verification, validation of electronic signatures, electronic seals, electronic time stamps, electronic registered delivery, website authentication and certificates related to those services;

âend-userâ means any natural or legal person using or requesting a public telecommunications service, either as a consumer or, if provided for in the laws and regulations of a Party, for trade, business or professional purposes;

For the purposes of this agreement, "personal data" means any information relating to an identified or identifiable natural person.

Article 19.3. Exceptions

Nothing in this Title prevents Parties from adopting or maintaining measures in accordance with [insert references to general exceptions, security exception and prudential carve-out] for the public interest reasons set out therein.

[This Article may be moved to a horizontal title that applies to the entire FTA.]

Chapter Chapter IT Data Flows and Personal Data Protection

Article 19.4. Cross-border Data Flows: Prohibition of Data Localisation

The Parties are committed to ensuring cross-border data flows to facilitate trade in the digital economy. To that end, cross-border data flows shall not be restricted between the Parties by:

a)

b)

d)

1.

requiring the use of computing facilities or network elements in the Party's territory for processing, including by imposing the use of computing facilities or network elements that are certified or approved in the territory of the Party;

requiring the localisation of data in the Party's territory for storage or processing; prohibiting storage or processing in the territory of the other Party; making the cross-border transfer of data contingent upon use of computing facilities or

network elements in the Partyâs territory or upon localisation requirements in the Partyâs territory.

Article 19.5. Protection of Personal Data and Privacy

Each Party recognises that the protection of personal data and privacy is a fundamental right and that high standards in this regard contribute to trust in the digital economy and to the development of trade.

Each Party may adopt and maintain the measures it deems appropriate to ensure the protection of personal data and privacy, including the adoption and application of rules for the cross-border transfer of personal data. Nothing in this agreement shall affect the protection of personal data and privacy afforded by the Partiesâ respective measures.

For greater certainty, the Investment Court System does not apply to the provisions in Articles 19.4 and 19.5.

Chapter Chapter IIT Specific Provisions

Article 19.6. Customs Duties on Electronic Transmissions

No Party shall impose customs duties on electronic transmissions between a person of one Party and a person of the other Party.

Article 19.7. No Prior Authorisation

1. A Party shall not require prior authorisation solely on the ground that a service is provided online! or adopt or maintain any other requirement having equivalent effect.

2. Paragraph 1 does not apply to telecommunications services, broadcasting services, gambling services, legal representation services, nor to services of notaries or equivalent professions to the extent that they involve a direct and specific connection with the exercise of public authority.

Article 19.8. Conclusion of Contracts by Electronic Means

1. The Parties shall ensure that their legal systems allow contracts to be concluded by electronic means and that the legal requirements for contractual processes neither create obstacles for the use of electronic contracts nor result in such contracts being deprived of legal effect and validity for having been made by electronic means.

2. For the purposes of this Agreement, the obligation set out in paragraph 1 does not apply to broadcasting services, gambling services, legal representation services, to services of notaries or equivalent professions involving a direct and specific connection with the exercise of public authority, and to contracts that establish or transfer rights in real estate, contracts requiring by law the involvement of courts, public authorities or professions exercising public authority, contracts of suretyship granted and or collateral securities furnished by persons acting for purposes outside their trade, business or profession and contracts governed by family law or by the law of succession.

! A service is provided online when it is provided by electronic means and without the parties being

simultaneously present.

Article 19.9. Electronic Trust Services and Electronic Authentication

1. A Party shall not deny the legal effect and admissibility as evidence in legal proceedings of an electronic trust services and electronic authentication service on the basis that it is in electronic form.

2. Neither Party shall adopt or maintain measures that would:

a) prohibit parties to an electronic transaction from mutually determining the appropriate electronic authentication methods for their transaction; or

b) prevent parties to an electronic transaction from having the opportunity to prove to judicial and administrative authorities that their electronic transaction complies with any legal requirements with respect to electronic trust services and electronic authentication.

3. Notwithstanding paragraph 2, a Party may require that for a particular category of transactions, the method of authentication or trust service is certified by an authority accredited in accordance with its law or meets certain performance standards which shall be objective, transparent and non-discriminatory and shall only relate to the specific characteristics of the category of transactions concerned.

Article 19.10. Online Consumer Trust

1. Recognising the importance of enhancing consumer trust in digital trade, each Party shall adopt or maintain measures to ensure the effective protection of consumers engaging in electronic commerce transactions, including but not limited to measures that:

a) proscribe fraudulent and deceptive commercial practices;

b) require suppliers of goods and services to act in good faith and abide by fair commercial practices, including through the prohibition of charging consumers for unsolicited goods and services;

c) require suppliers of goods or services to provide consumers with clear and thorough information regarding their identity and contact details'!, as well as regarding the goods or services, the transaction and the applicable consumer rights; and

d) grant consumers access to redress to claim their rights, including a right to remedies in cases where goods or services are paid and not delivered or provided as agreed.

(11 Tn the case of intermediary service suppliers, this also includes the identity and contact details of the actual supplier of the good or the service.

2. The Parties recognise the importance of cooperation between their respective national consumer protection agencies or other relevant bodies on activities related to electronic commerce in order to enhance consumer trust.

Article 19.11. Unsolicited Direct Marketing Communications

1. Each Party shall ensure that end-users are effectively protected against unsolicited direct marketing communications.

2. Each Party shall adopt or maintain effective measures regarding unsolicited direct marketing communications that:

a) require suppliers of unsolicited direct marketing communications to ensure that recipients are able to prevent ongoing reception of those communications; or

b) require the consent, as specified according to the laws and regulations of each Party, of recipients to receive direct marketing communications.

3. Each Party shall ensure that direct marketing communications are clearly identifiable as such, clearly disclose on whose behalf they are made and contain the necessary information to enable end-users to request cessation free of charge and at any moment.

Article 19.12. Prohibition of Mandatory Transfer of or Access to Source Code

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. No Party may require the transfer of, or access to, source code of software owned by a juridical or natural person of the other Party.

2. For greater certainty:

a) the general exception, security exception and prudential carve-out can apply to measures of a Party adopted or maintained in the context of a certification procedure;

b) paragraph 1 does not apply to the voluntary transfer of or granting of access to source code on a commercial basis by a person of the other Party, for instance in the context of a public procurement transaction or a freely negotiated contract;

c) nothing in paragraph 1 prevents a person of a Party from licencing its software on a free and open source basis.

3. Nothing in this Article shall affect:

a) requirements by a court, administrative tribunal or, by a competition authority to remedy a violation of competition laws;

b) protection and enforcement of intellectual property rights; and

c) the right of a Party to take measures in accordance with Article 21.3 [security and general exceptions of the Public Procurement Title].

Article 19.13. Cooperation on Regulatory Issues with Regard to Digital Trade1. the Parties Shall Maintain a Dialogue on Regulatory Issues Raised by Digital Trade, Which Shall Inter Alia Address the Following Issues:

the recognition and facilitation of interoperable cross-border electronic trust and authentication services;

the treatment of direct marketing communications; the protection of consumers in the ambit of digital trade; and

any other issue relevant for the development of digital trade.

2. Such cooperation shall focus on exchange of information on the Partiesâ respective legislation on these issues as well as on the implementation of such legislation.

3. For greater certainty, this provision shall not apply to a Partyâs rules and safeguards for the protection of personal data and privacy, including on cross-border data transfers of personal data.

Article 19.14. Review

The Parties shall review the implementation of this Title at the request of either Party, particularly in the light of relevant changes affecting digital trade that might arise from new business models or technologies.

Chapter 20.

CAPITAL MOVEMENTS, PAYMENTS AND TRANSFERS AND TEMPORARY SAFEGUARD MEASURES!

Article 20.1. Objective and Scope

The objective of this Chapter is to enable the free movement of capital and payments related to transactions liberalised under this Agreement.

Article 20.2. Current Account

Without prejudice to other provisions of this Agreement, each Party shall allow, in freely convertible currency and in accordance with the provisions of the Articles of the Agreement of the International Monetary Fund, as applicable, any payments and transfers with respect to transactions on the current account of the balance of payments that fall within the scope of this Agreement.

Article 20.3. Capital Movements

Without prejudice to other provisions of this Agreement, each Party shall allow, with regard to transactions on the capital and financial account of the balance of payments, the free movement of capital, for the purpose of liberalisation of investment and other transactions as provided for in Chapter 10 [Investment Liberalisation], Chapter 11 [Cross-border trade in services], and Chapter 18 [Financial Services].

Article 20.4. Application of Laws and Regulations Relating to Capital Movements, Payments or Transfers

The provisions of Articles 20.1 and 20.2 of this Chapter shall not be construed as preventing a Party from applying its laws and regulations relating to:

(a) bankruptcy, insolvency, or the protection of the rights of creditors;

(b) issuing, trading or dealing in financial instruments such as securities, futures or derivatives;

(c) financial reporting or record keeping of capital movements, payments or transfers where necessary to assist law enforcement or financial regulatory authorities;

1 For greater certainty, this Chapter is subject to Annex ... (Transfers â Chile)

(d) criminal or penal offenses, deceptive or fraudulent practices;

(e) ensuring compliance with orders or judgments in judicial or administrative proceedings; or

(f) social security, public retirement or compulsory savings schemes.

2. The laws and regulations referred to in paragraph 1 shall be applied in an equitable and non-discriminatory manner, and not in a way that would constitute a disguised restriction on capital movements, payments or transfers.

Article 20.5. Temporary Safeguard Measures

In exceptional circumstances of serious difficulties for the operation of the European Union's economic and monetary union, or threat thereof, the European Union may adopt or maintain safeguard measures with regard to capital movements, payments or transfers for a period not exceeding six months. Those measures shall be limited to the extent that is strictly necessary.

Article 20.6. Restrictions In Case of Balance of Payments and External Financial Difficulties

1. Where a Party experiences serious balance-of-payments or external financial difficulties, or threat thereof, it may adopt or maintain restrictive measures with regard to capital movements, payments or transfersâ.

2. The measures referred to in paragraph 1 shall:

(a) be consistent with the Articles of the Agreement of the International Monetary Fund, as applicable;

(b) not exceed those necessary to deal with the circumstances described in paragraph 1;

(c) be temporary and shall be phased out progressively as the situation specified in paragraph 1 improves;

(d) avoid unnecessary damage to the commercial, economic and financial interests of the other Party;

(e) be non-discriminatory compared to third countries in like situations.

3. In the case of trade in goods, each Party may adopt restrictive measures in order to safeguard its external financial position or balance-of-payments. These measures shall be in accordance with the General Agreement on Trade and Tariffs (GATT) and the Understanding on the Balance of Payments provisions of the GATT 1994.

? For greater certainty, serious balance of payments or external financial difficulties, or threat thereof, may be caused among other factors by serious difficulties related to monetary or exchange rate policies, or threat thereof.

4. In the case of trade in services, each Party may adopt restrictive measures in order to safeguard its external financial position or balance of payments. These measures shall be in accordance with Article XII of the General Agreement on Trade in Services (GATS).

5. A Party maintaining or having adopted measures referred to in paragraphs 1 and 2 of this Article shall promptly notify them to the other Party.

6. If restrictions are adopted or maintained under this Article, the Parties shall promptly hold consultations in the [EU:

Committee on Trade in Services and Investment â to be adapted] unless consultations are held in other fora, to which both Parties are members. The consultations shall assess the balance-of-payments or external financial difficulty that led to the respective measures, taking into account, inter alia, such factors as:

(a) the nature and extent of the difficulties; (b) the external economic and trading environment; and (c) alternative corrective measures which may be available.

7. The consultations pursuant to paragraph 6 shall address the compliance of any restrictive measures with paragraphs 1 to 2. All relevant findings of statistical or factual nature presented by the IMF, where available, shall be accepted and conclusions shall take into account the assessment by the IMF of the balance-of-payments and the external financial situation of the Party concerned.

ANNEX X

TRANSFERS-CHILE

1. Notwithstanding Chapter 20 [Capital Movements, Payments and Transfers and Temporary Safeguard Measures], Chile reserves the right of the Central Bank of Chile (Banco Central de Chile) to maintain or adopt measures in conformity with Law 18.840, Constitutional Organic Law of the Central Bank of Chile (Ley 18.840, Ley Orgdnica Constitucional del Banco Central de Chile) , Decreto con Fuerza de Ley NÂ°3 de 1997, Ley General de Bancos (General Banking Act) and Ley de Mercado de Valores NÂ°18.045 (Securities Market Law), in order to ensure currency stability and the normal operation of domestic and foreign payments. Such measures include, inter alia, the establishment of restrictions or limitations on current payments and transfers (capital movements) to or from Chile, as well as transactions related to them, such as requiring that deposits, investments or credits from or to a foreign country, be subject to a reserve requirement (encaje).

2. Notwithstanding paragraph 1, the reserve requirement that the Central Bank of Chile can apply pursuant to Article 49 NÂ°2 of Law 18.840, shall not exceed 30 percent of the amount transferred and shall not be imposed for a period which exceeds two years.

Chapter 21. PUBLIC PROCUREMENT

Article 21.1. Definitions

For the purposes of this Chapter:

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(b)

(c) (d)

(e)

(f)

(g)

(h)

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@ (m)

commercial goods or services means goods or services of a type generally sold or offered for sale in the commercial marketplace to, and customarily purchased by, non-governmental buyers for non-governmental purposes;

construction service means a service that has as its objective the realization by whatever means of civil or building works, based on Division 51 of the United Nations Provisional Central Product Classification (CPC);

days means calendar days;

electronic auction means an iterative process that involves the use of electronic means for the presentation by suppliers of

either new prices, or new values for quantifiable non-price elements of the tender related to the evaluation criteria, or both, resulting in a ranking or re ranking of tenders;

in writing or written means any worded or numbered expression that can be read, reproduced and later communicated. It may include electronically transmitted and stored information;

limited tendering means a procurement method whereby the procuring entity contacts a supplier or suppliers of its choice;

measure means any law, regulation, procedure, administrative guidance or practice, or any action of a procuring entity relating to a covered procurement;

multi-use list means a list of suppliers that a procuring entity has determined satisfy the conditions for participation in that list, and that the procuring entity intends to use more than once;

notice of intended procurement means a notice published by a procuring entity inviting interested suppliers to submit a request for participation, a tender, or both;

offset means any condition or undertaking that encourages local development or improves a Partyâs balance-of-payments accounts, such as the use of domestic content, the licensing of technology, investment, counter trade and similar action or requirement;

open tendering means a procurement method whereby all interested suppliers may submit a tender;

person means a natural person or a juridical person;

procuring entity means an entity covered under Annexes X-1, X-2 or X-3 of a Party's Market Access Schedule for this Chapter;

(n) qualified supplier means a supplier that a procuring entity recognizes as having satisfied the conditions for participation;

(0) selective tendering means a procurement method whereby only qualified suppliers are invited by the procuring entity to submit a tender;

(p) services includes construction services, unless otherwise specified;

(q) standard means a document approved by a recognized body that provides for

common and repeated use, rules, guidelines or characteristics for goods or services, or related processes and production methods, with which compliance is not mandatory. It may also include or deal exclusively with terminology, symbols, packaging, marking or labelling requirements as they apply to a good, service, process or production method;

@) supplier means a person or group of persons that provides or could provide goods or services; and (s) technical specification means a tendering requirement that:

(i) sets out the characteristics of:

(i.1) goods to be procured, including quality, performance, safety and dimensions, or the processes and methods for their production; or

(i.2) services to be procured, including quality, performance, safety or the processes or methods for their provision, or

(i) addresses terminology, symbols, packaging, marking or labelling requirements, as they apply to a good or service.

Article 21.2. Scope and Coverage

Application of the Chapter

1. This Chapter applies to any measure regarding covered procurement, whether or not it is conducted exclusively or partially by electronic means.

2. For the purposes of this Chapter, covered procurement means procurement for governmental purposes:

(a) of a good, a service, or any combination thereof: 6D) as specified in each Party's Annexes to its Market Access Schedule

(b)

(c)

(d) (e)

for this Chapter; and

Gi) not procured with a view to commercial sale or resale, or for use in the production or supply of a good or a service for commercial sale or tesale;

by any contractual means, including: purchase; lease; and rental or hire purchase, with or without an option to buy;

for which the value, as estimated in accordance with paragraphs 6 through 8, equals or exceeds the relevant threshold specified in a Party's Annexes to its Market Access Schedule for this Chapter, at the time of publication of a notice in accordance with Article 21.6;

by a procuring entity; and

that is not otherwise excluded from coverage in paragraph 3 or a Party's Annexes to its Market Access Schedule for this Chapter.

3. Except where provided otherwise in a Party's Annexes to its Market Access Schedule for this Chapter, this Chapter does not apply to:

(a)

(b)

(c)

(d) (e)

the acquisition or rental of land, existing buildings or other immovable property or the rights thereon;

non-contractual agreements or any form of assistance that a Party provides, including cooperative agreements, grants, loans, subsidies, equity infusions, guarantees and fiscal incentives;

the procurement or acquisition of fiscal agency or depository services, liquidation and management services for regulated financial institutions or services related to the sale, redemption and distribution of public debt, including loans and government bonds, notes and other securities;

public employment contracts; procurement conducted:

@) for the specific purpose of providing international assistance, including development aid;

Gi) under the particular procedure or condition of an international agreement relating to the stationing of troops or relating to the joint implementation by the signatory countries of a project; or

Gii) under the particular procedure or condition of an international organisation, or funded by international grants, loans or other assistance if the applicable procedure or condition would be inconsistent with this Chapter.

(a) Financial services.

4. A procurement subject to this Chapter shall be all procurement covered by the Market Access Schedules of Chile and the European Union, in which each Party's commitments are set out as follows:

(a)

(b)

(c) (d) (e)

(f) (g) (h) (i)

in Annex X-1, the central government entities whose procurement is covered by this Chapter;

in Annex X-2, the sub-central government entities whose procurement is covered by this Chapter;

in Annex X-3, all other entities whose procurement is covered by this Chapter; in Annex X-4, the goods covered by this Chapter;

in Annex X-5, the services, other than construction services, covered by this Chapter;

in Annex X-6, the construction services covered by this Chapter; in Annex X-7, public works concessions covered by this Chapter; in Annex X-8, any General Notes; and

in Annex X-9, the media in which the Party publishes its procurement notices, award notices, and other information related to its public procurement system as set out in this Chapter.

5. Where a procuring entity, in the context of covered procurement, requires persons not covered under a Party's Annexes to its Market Access Schedule for this Chapter to procure in accordance with particular requirements, Article 4 shall apply mutatis mutandis to such requirements.

Valuation

6. In estimating the value of a procurement for the purpose of ascertaining whether it is a covered procurement, a procuring entity shall:

(a)

(b)

neither divide a procurement into separate procurements nor select or use a particular valuation method for estimating the value of a procurement with the intention of totally or partially excluding it from the application of this Chapter; and

include the estimated maximum total value of the procurement over its entire duration, whether awarded to one or more suppliers, taking into account all forms of remuneration, including:

(i) premiums, fees, commissions and interest; and

(ii) where the procurement provides for the possibility of options, the total value of such options.

7. Where an individual requirement for a procurement results in the award of more than one contract, or in the award of contracts in separate parts (hereinafter referred to as ârecurring contractsâ) the calculation of the estimated maximum total value shall be based on:

(a)

the value of recurring contracts of the same type of good or service awarded during the preceding 12 months or the procuring entity's preceding fiscal year, adjusted, if possible, to take into account anticipated changes in the quantity or

value of the good or service being procured over the following 12 months; or

(b) the estimated value of recurring contracts of the same type of good or service to be awarded during the 12 months following the initial contract award or the procuring entity's fiscal year.

8. In the case of procurement by lease, rental or hire purchase of goods or services, or procurement for which a total price is not specified, the basis for valuation shall be:

(a) in the case of a fixed-term contract:

(i) where the term of the contract is 12 months or less, the total estimated maximum value for its duration; or

Gi) | where the term of the contract exceeds 12 months, the total estimated maximum value, including any estimated residual value;

(b) where the contract is for an indefinite period, the estimated monthly instalment multiplied by 48; and

(c) where it is not certain whether the contract is to be a fixed-term contract, subparagraph (b) shall be used.

Article 21.3. Security and General Exceptions

1. Nothing in this Chapter shall be construed to prevent a Party from taking any action or not disclosing any information that it considers necessary for the protection of its essential security interests relating to the procurement of arms, ammunition or war materials, or to procurement indispensable for national security or for national defence purposes.

2. Subject to the requirement that such measures are not applied in a manner that would constitute a means of arbitrary or

unjustifiable discrimination between Parties where the same conditions prevail or a disguised restriction on international trade, nothing in this Chapter shall be construed to prevent a Party from imposing or enforcing measures:

(a) _ necessary to protect public morals, order or safety; (b) necessary to protect human, animal or plant life or health; (c) necessary to protect intellectual property; or

(d) ârelating to goods or services of persons with disabilities, of philanthropic institutions or of prison labour.

3. The Parties understand that subparagraph 2(b) includes environmental measures necessary to protect human, animal or plant life or health.

Article 21.4. General Principles

Non-Discrimination

1. With respect to any measure regarding covered procurement, each Party, including its procuring entities, shall accord immediately and unconditionally to the goods and services of the other Party and to the suppliers of the other Party offering goods or services of either Party, treatment no less favourable than the treatment the Party, including its procuring entities, accords to its own goods, services and suppliers.

2. With respect to any measure regarding covered procurement, a Party, including its procuring entities, shall not:

(a) __ treat a locally established supplier less favourably than another locally established supplier on the basis of the degree of foreign affiliation or ownership; or

(b) â discriminate against a locally established supplier on the basis that the goods or services offered by that supplier for a particular procurement are goods or services of the other Party.

Use of Electronic Means

3. The Parties shall ensure that all communication and information exchange for covered procurement are performed using electronic means, including for the publication of procurement information, notices and tender documentation, and for the receipt of tenders.

When conducting covered procurement by electronic means, a procuring entity shall:

(a) ensure that the procurement is conducted using information technology systems and software, including those related to authentication and encryption of information, that are generally available and interoperable with other generally available information technology systems and software;

(b) establish and maintain mechanisms that ensure the integrity of requests for participation and tenders, including establishment of the time of receipt and the prevention of inappropriate access; and

(c) use electronic means of information and communication for the publication of notices and tender documentation in procurement procedures and to the widest extent practicable for the submission of tenders.

Conduct of Procurement

4. A procuring entity shall conduct covered procurement in a transparent and impartial manner that:

(a) is consistent with this Chapter, using methods such as open tendering, selective

tendering and limited tendering;

(b) prevents conflicts of interest and corrupt practices, in accordance with relevant domestic laws.

Rules of Origin

5. For purposes of government procurement covered by this Chapter no Party may apply tules of origin to goods imported from the other Party that are different from the rules of origin which that Party applies in the normal course of trade to imports of the same goods.

Offsets

6. With regard to covered procurement, a Party, including its procuring entities, shall not seek, take account of, impose or enforce any offset at any stage of a procurement.

Measures Not Specific to Procurement

7. Paragraphs 1 and 2 shall not apply to: customs duties and charges of any kind imposed on, or in connection with, importation; the method of levying such duties and charges; other import regulations or formalities and measures affecting trade in services other than measures governing covered procurement.

Anti-corruption measures

8. Each Party shall ensure that it has appropriate measures in place to address and prevent corruption in their government procurement. These measures may include procedures to render ineligible for participation in the Partyâs procurements, either indefinitely or for a stated period of time, suppliers that the judicial authorities of the Party have determined by final decision to have engaged in bribery, fraud or other illegal actions in relation to government procurement in the territory of that Party. Each Party shall also ensure that it has in place policies and procedures to eliminate to the extent possible or manage any potential conflict of interest on the part of those engaged in or having influence over procurement.

Article 21.5. Information on the Procurement System

1. Each Party shall:

(a)promptly publish any law, regulation, judicial decision, administrative ruling of

general application, standard contract clause mandated by law or regulation and incorporated by reference in notices or tender documentation and procedure regarding covered procurement, and any modifications thereof, in the relevant electronic or paper media that are officially designated at national level, which are widely disseminated and remain readily accessible to the public; and

(b) provide an explanation thereof to the other Party, on request.

2. Each Party shall list, in Annex X-9 of its Market Access Schedule:

(a) the electronic or paper media in which the Party publishes the information described in paragraph 1;

(b) the electronic or paper media in which the Party publishes the notices required by Articles 21.6, 21.8 paragraph 9 and 21.15 paragraph 2; and

(c) the website address or addresses where the Party publishes: @) its procurement statistics pursuant to Article 21.15 paragraph 4; or

(ii) _âits notices concerning awarded contracts pursuant to Article 21.15 paragraph 5.

3. Each Party shall promptly notify the Committee on Government Procurement of any modification to the Party's information listed in Annex X-9.

Article 21.6. Notices

Notice of Intended Procurement

1. For each covered procurement a procuring entity shall publish a notice of intended procurement, except in the circumstances described in Article 21.13.

2. Except as otherwise provided in this Chapter, each notice of intended procurement shall include:

(a) the name and address of the procuring entity and other information necessary to contact the procuring entity and obtain all relevant documents relating to the procurement, and their cost and terms of payment, if any;

(b) a description of the procurement, including the nature and the quantity of the goods or services to be procured or, where the quantity is not known, the estimated quantity;

(c) for recurring contracts, an estimate, if possible, of the timing of subsequent notices of intended procurement;

(d) adescription of any options;

(e) the time-frame for delivery of goods or services or the duration of the contract;

(f) the procurement method that will be used and whether it will involve negotiation or electronic auction mechanism;

(g) where applicable, the address and any final date for the submission of requests for participation in the procurement;

(h) the address and the final date for the submission of tenders;

@) the language or languages in which tenders or requests for participation may be submitted, if they may be submitted in a language other than an official language of the Party of the procuring entity;

@ a list and brief description of any conditions for participation of suppliers, including any requirements for specific documents or certifications to be provided by suppliers in connection therewith, unless such requirements are included in tender documentation that is made available to all interested suppliers at the same time as the notice of intended procurement;

(k) _ where, pursuant to Article 8, a procuring entity intends to select a limited number of qualified suppliers to be invited to tender, the criteria that will be used to select them and, where applicable, any limitation on the number of suppliers that will be permitted to tender; and

qd) an indication that the procurement is covered by this Chapter. Summary Notice

3. For each case of intended procurement, a procuring entity shall publish a summary notice that is readily accessible, at the same time as the publication of the notice of intended procurement, in one of the World Trade Organization (WTO) official languages'. The summary notice shall contain at least the following information:

(a) __ the subject-matter of the procurement;

(b) the final date for the submission of tenders or, where applicable, any final date for the submission of requests for participation in the procurement or for inclusion on a multi-use list; and

(c) the address from which documents relating to the procurement may be requested. Notice of Planned Procurement

4. Procuring entities are encouraged to publish as early as possible in each fiscal year a notice regarding their future procurement plans (hereinafter referred to as ânotice of planned procurementâ). The notice of planned procurement should include the subject-matter of the procurement and the planned date of the publication of the notice of intended procurement.

5. A procuring entity covered under Annexes X-2 or X-3 may use a notice of planned procurement as a notice of intended procurement provided that the notice of planned

For greater certainty, World Trade Organization (WTO) official languages: English, Spanish and French

procurement includes as much of the information referred to in paragraph 2 as is available to the entity and a statement that interested suppliers should express their interest in the procurement to the procuring entity.

Rules common to notices

6. All notices (notice of intended procurement, summary notice and notice of planned procurement) shall be directly accessible by electronic means, free of charge, through a single point of access on the internet. In addition, the notices may also be published in an appropriate paper medium, which shall be widely disseminated and shall remain readily accessible to the public, at least until expiration of the time-period indicated in the notice.

The appropriate paper and electronic medium is listed by each Party in Annex X-9.

7. Notwithstanding the requirements set forth in paragraph 6 regarding the accessibility of all notices (notices of intended procurement, summary notices and notices of planned procurement) by electronic means free of charge through a single point of access, Chile shall â from the date of entry into force of the agreement and for the transition period of 3 years until the single point of access is fully operational â establish a gateway site, as a temporary alternative to a single point of access, which should be accessible free of charge and should provide links to the platforms or websites on which the notices are published. The gateway shall contain links to maximum number of four websites, that are:

âMercado publicoâ

Ministry of Public Works

General directorate for Concessions and Official Journal of Chile.

8. A periodical review mechanism of paragraph 7, including a discussion within the Sub- Committee on Government Procurement shall be foreseen, in particular on the status of implementation of the single point of access.

Article 21.7. Conditions for Participation

1. A procuring entity shall limit any conditions for participation in a procurement to those that are essential to ensure that a supplier has the legal and financial capacities and the commercial and technical abilities to undertake the relevant procurement.

2. In establishing the conditions for participation, a procuring entity: (a) shall not impose the condition that, in order for a supplier to participate in a

procurement, the supplier has previously been awarded one or more contracts by a procuring entity of a Party;

(b) may require relevant prior experience where essential to meet the requirements of the procurement; and

(c) shall not require prior experience in the territory of the Party to be a condition of the procurement.

3. In assessing whether a supplier satisfies the conditions for participation, a procuring entity:

(a) shall evaluate the financial capacity and the commercial and technical abilities of a supplier on the basis of that supplier's business activities both inside and outside the territory of the Party of the procuring entity; and

(b) shall base its evaluation on the conditions that the procuring entity has specified in advance in notices or tender documentation.

4. Where there is supporting evidence and provided that this is not applied in a manner that would constitute a means of arbitrary or unjustifiable discrimination between Parties, a Party, including its procuring entities, may exclude a supplier on grounds such as:

(a) bankruptcy; (b) false declarations;

(c) significant or persistent deficiencies in performance of any substantive requirement or obligation under a prior contract or contracts;

(d) final judgments in respect of serious crimes or other serious offences;

(e) grave professional misconduct or acts or omissions that adversely reflect on the commercial integrity of the supplier; or

ff) failure to pay taxes.

Article 21.8. Qualification of SuppliersRegistration Systems and Qualification Procedures

1. A Party, including its procuring entities, may maintain a supplier registration system under which interested suppliers are required to register and provide certain information. In this case, the Party shall ensure that interested suppliers have access to information on the registration system through electronic means and that they may request registration at any time. The competent authority shall inform them within a reasonable period of time of the decision to grant or reject this request. If the request is rejected, the decision must be duly motivated.

2. Each Party shall ensure that:

(a) its procuring entities make efforts to minimise differences in their qualification procedures; and

(b) where its procuring entities maintain registration systems, the entities make efforts to minimise differences in their registration systems.

3. A Party, including its procuring entities, shall not adopt or apply a registration system or qualification procedure with the purpose or the effect of creating unnecessary obstacles to the participation of suppliers of the other Party in its procurement.

Selective Tendering

4. Where a procuring entity intends to use selective tendering, the entity shall:

(a) include in the notice of intended procurement at least the information specified in Article 21.6, paragraph 2, letters (a), (b), (f), (g), @, (kK) and (1) and invite suppliers to submit a request for participation; and

(b) provide, by the commencement of the time-period for tendering, at least the information in Article 21.6, paragraph 2, letters (c), (d), (e), (h) and (i) to the qualified suppliers that it notifies as specified in Article 21.10, paragraph 3, letter (b).

5. A procuring entity shall allow all qualified suppliers to participate in a particular procurement, unless the procuring entity states in the notice of intended procurement any limitation on the number of suppliers that will be permitted to tender and the criteria or justification for selecting the limited number of suppliers. An invitation to submit a tender shall be addressed to a number of suppliers that is necessary to ensure competition.

6. Where the tender documentation is not made publicly available from the date of publication of the notice referred to in paragraph 4, a procuring entity shall ensure that those documents are made available at the same time to all the qualified suppliers selected in accordance with paragraph 5.

Multi-Use Lists

7. A procuring entity may maintain a multi-use list of suppliers, provided that a notice inviting interested suppliers to apply for inclusion on the list is:

(a) published annually; and (b) where published by electronic means, made available continuously,

in the appropriate medium listed in Annex X-9.

8. The notice provided for in paragraph 7 shall include:

(a) a description of the goods or services, or categories thereof, for which the list may be used;

(b) the conditions for participation to be satisfied by suppliers for inclusion on the list and the methods that the procuring entity will use to verify that a supplier satisfies the conditions;

(c) the name and address of the procuring entity and other information necessary to contact the entity and obtain all relevant documents relating to the list;

(d) the period of validity of the list and the means for its renewal or termination, or where the period of validity is not provided, an indication of the method by which notice will be given of the termination of use of the list; and

(e) an indication that the list may be used for procurement covered by this Chapter.

9. Notwithstanding paragraph 7, where a multi-use list will be valid for three years or less, a procuring entity may publish the notice referred to in paragraph 7 only once, at the beginning of the period of validity of the list, provided that the notice:

(a) states the period of validity and that further notices will not be published; and

(b) is published by electronic means and is made available continuously during the period of its validity.

10. A procuring entity shall allow suppliers to apply at any time for inclusion on a multi-use list and shall include on the list all qualified suppliers within a reasonably short time.

11. Where a supplier that is not included on a multi-use list submits a request for participation in a procurement based on a multi-use list and all required documents, within the time-period provided for in Article 21.10, paragraph 2, a procuring entity shall examine the request. The procuring entity shall not exclude the supplier from consideration in respect of the procurement on the grounds that the entity has insufficient time to examine the request, unless, in exceptional cases, due to the complexity of the procurement, the entity is not able to complete the examination of the request within the time-period allowed for the submission of tenders.

Annex 2 and Annex 3 Entities

12. A procuring entity covered under Annexes X-2 or X-3 may use a notice inviting suppliers to apply for inclusion on a multi-use list as a notice of intended procurement, provided that:

(a) the notice is published in accordance with paragraph 7 and includes the information required under paragraph 8, as much of the information required under Article 21.6, paragraph 2 as is available and a statement that it constitutes a notice of intended procurement or that only the suppliers on the multi-use list will

receive further notices of procurement covered by the multi-use list; and

(b) the entity promptly provides to suppliers that have expressed an interest in a given procurement to the entity, sufficient information to permit them to assess their interest in the procurement, including all remaining information required in

Article 21.6, paragraph 2, to the extent such information is available.

13. A procuring entity covered under Annexes X-2 or X-3 may allow a supplier that has applied for inclusion on a multi-use list in accordance with paragraph 10 to tender in a given procurement, where there is sufficient time for the procuring entity to examine whether the supplier satisfies the conditions for participation.

Information on Procuring Entity Decisions

14. A procuring entity shall promptly inform any supplier that submits a request for participation in a procurement or application for inclusion on a multi-use list of the procuring entity's decision with respect to the request or application.

15. Where a procuring entity rejects a supplier's request for participation in a procurement or application for inclusion on a multi-use list, ceases to recognise a supplier as qualified, or removes a supplier from a multi-use list, the entity shall promptly inform the supplier and, on request of the supplier, promptly provide the supplier with a written explanation of the reasons for its decision.

Article 21.9. Technical Specifications

1. A procuring entity shall not prepare, adopt or apply any technical specification or prescribe any conformity assessment procedure with the purpose or the effect of creating unnecessary obstacles to international trade.

2. In prescribing the technical specifications for the goods or services being procured, a procuring entity shall, where appropriate:

(a) set out the technical specification in terms of performance and functional requirements, rather than design or descriptive characteristics; and

(b) base the technical specification on international standards, where such exist; otherwise, on national technical regulations, recognised national standards or building codes.

3. Where design or descriptive characteristics are used in the technical specifications, a procuring entity should indicate, where appropriate, that it will consider tenders of equivalent goods or services that demonstrably fulfil the requirements of the procurement by including words such as âor equivalentâ in the tender documentation.

4. A procuring entity shall not prescribe technical specifications that require or refer to a particular trademark or trade name, patent, copyright, design, type, specific origin, producer or supplier, unless there is no other sufficiently precise or intelligible way of describing the procurement requirements and provided that, in such cases, the entity includes words such as âor equivalentâ in the tender documentation.

5. A procuring entity shall not seek or accept, in a manner that would have the effect of precluding competition, advice that may be used in the preparation or adoption of any technical specification for a specific procurement from a person that may have a commercial interest in the procurement.

6. For greater certainty, a Party, including its procuring entities, may, in accordance with this Article, prepare, adopt or apply technical specifications to promote the conservation of natural resources or protect the environment.

Article 21.10. Tender Documentation

1. A procuring entity shall make available to suppliers tender documentation that includes all information necessary to permit suppliers to prepare and submit responsive tenders. Unless already provided in the notice of intended procurement, such documentation shall include a complete description of:

(a) the procurement, including the nature and the quantity of the goods or services to be procured or, where the quantity is not known, the estimated quantity and any requirements to be fulfilled, including any technical specifications, conformity assessment certification, plans, drawings or instructional materials;

(b) any conditions for participation of suppliers, including a list of information and documents that suppliers are required to submit in connection with the conditions for participation;

(c) all evaluation criteria the entity will apply in the awarding of the contract, and, unless price is the sole criterion, the relative importance of that criteria;

(d) â_ where the procuring entity will conduct the procurement by electronic means, any authentication and encryption requirements or other requirements related to the submission of information by electronic means;

(e) where the procuring entity will hold an electronic auction, the rules, including identification of the elements of the tender related to the evaluation criteria, on which the auction will be conducted;

ff) where there will be a public opening of tenders, the date, time and place for the opening and, where appropriate, the persons authorised to be present;

(g) any other terms or conditions, including terms of payment and any limitation on the means by which tenders may be submitted, such as whether on paper or by electronic means; and

(h) any dates for the delivery of goods or the supply of services.

2. In establishing any date for the delivery of goods or the supply of services being procured, a procuring entity shall take into account such factors as the complexity of the procurement, the extent of subcontracting anticipated and the realistic time required for production, de-stocking and transport of goods from the point of supply or for supply of services.

3. The evaluation criteria set out in the notice of intended procurement or tender documentation may include, among others, price and other cost factors, quality, technical merit, environmental characteristics and terms of delivery.

4. A procuring entity shall promptly:

(a) make available tender documentation to ensure that interested suppliers have sufficient time to submit responsive tenders;

(b) provide, on request, the tender documentation to any interested supplier; and

(c) reply to any reasonable request for relevant information by any interested or participating supplier within the time period established in each Party's legislation provided that such information does not give that supplier an advantage over other suppliers.

Modifications

5. Where a procuring entity may modify the criteria or requirements set out in the notice of intended procurement or tender documentation provided to participating suppliers, or amend or reissue a notice or tender documentation, it shall transmit in writing all such modifications or amended or re-issued notice or tender documentation:

(a) to all suppliers that are participating at the time of the modification, amendment or re- issuance, where such suppliers are known to the entity, and in all other cases, in the same manner as the original information was made available; and

(b) in adequate time considering the nature and complexity of the procurement to allow such suppliers to modify and re-submit amended tenders, as appropriate.

Article 21.10. BisEnvironmental and Social Considerations

1. A Party may allow its procuring entities to use environmental and social considerations throughout the procurement procedure provided they are not discriminatory, they are consistent with the prohibition of offsets (Article 4, paragraph 7) and they are linked to the subject matter of the contract.

2. For greater certainty, environmental and social considerations shall not be prepared, adopted or applied in a manner that constitutes a means of arbitrary or unjustifiable discrimination between the Parties or a disguised restriction of trade between the Parties.

Article 21.11. Time-periods

General

1. A procuring entity shall, consistent with its own reasonable needs, provide sufficient time for suppliers to prepare and submit requests for participation and responsive tenders, taking into account such factors as:

(a) the nature and complexity of the procurement; (b) the extent of subcontracting anticipated; and

(c) the time necessary for transmitting tenders by non-electronic means from foreign as well as domestic points where electronic means are not used.

Such time-periods, including any extension of the time-periods, shall be the same for all interested or participating suppliers.

Deadlines

2. A procuring entity that uses selective tendering shall establish that the final date for the submission of requests for participation shall not, in principle, be less than 25 days from the date of publication of the notice of intended procurement. Where a state of urgency duly substantiated by the procuring entity renders this time-period impracticable, the time-period may be reduced to not less than 10 days.

3. Except as provided for in paragraphs 4, 5, 7 and 8, a procuring entity shall establish that the final date for the submission of tenders shall not be less than 40 days from the date on which:

(a) in the case of open tendering, the notice of intended procurement is published; or

(b) in the case of selective tendering, the entity notifies suppliers that they will be invited to submit tenders, whether or not it uses a multi-use list.

4. A procuring entity may reduce the time-period for tendering established in accordance with paragraph 3 to not less than 10 days where:

(a) the procuring entity has published a notice of planned procurement as described in Article 21.6 paragraph 4 at least 40 days and not more than 12 months in

advance of the publication of the notice of intended procurement, and the notice of planned procurement contains:

@) a description of the procurement;

Gi) the approximate final dates for the submission of tenders or requests for participation;

Gii) a statement that interested suppliers should express their interest in the procurement to the procuring entity;

(iv) the address from which documents relating to the procurement may be obtained; and

(v) as much of the information that is required for the notice of intended procurement under Article 21.6, paragraph 2, as is available;

(b) the procuring entity, for contracts of a recurring nature, indicates in an initial notice of intended procurement that subsequent notices will provide time-periods for tendering based on this paragraph; or

(c) a state of urgency duly substantiated by the procuring entity renders the time- period for tendering established in accordance with paragraph 3 impracticable.

5. A procuring entity may reduce the time-period for tendering established in accordance with paragraph 3 by five days for each one of the following circumstances:

(a) the notice of intended procurement is published by electronic means;

(b) all the tender documentation is made available by electronic means from the date of the publication of the notice of intended procurement; and

(c) the entity accepts tenders by electronic means.

6. The use of paragraph 5, in conjunction with paragraph 4, shall in no case result in the reduction of the time-period for tendering established in accordance with paragraph 3 to less than 10 days from the date on which the notice of intended procurement is published.

7. Notwithstanding any other provision in this Article, where a procuring entity purchases commercial goods or services, or any combination thereof, it may reduce the time-period for tendering established in accordance with paragraph 3 to not less than 13 days, provided that it publishes by electronic means, at the same time, both the notice of intended procurement and the tender documentation. In addition, where the entity accepts tenders for commercial goods or services by electronic means, it may reduce the time-period established in accordance with paragraph 3 to not less than 10 days.

8. Where a procuring entity covered under Annexes X-2 or X-3 has selected all or a limited number of qualified suppliers, the time-period for tendering may be fixed by mutual agreement between the procuring entity and the selected suppliers. In the absence of agreement, the period shall not be less than 10 days.

Article 21.12. Negotiation

1. A Party may provide for its procuring entities to conduct negotiations with suppliers in the context of covered procurement:

(a) where the entity has indicated its intent to conduct negotiations in the notice of intended procurement required under Article 21.6, paragraph 2; or

(b) where it appears from the evaluation that no tender is obviously the most advantageous in terms of the specific evaluation criteria set out in the notice of intended procurement or tender documentation.

2. A procuring entity shall:

(a) ensure that any elimination of suppliers participating in negotiations is carried out in accordance with the evaluation criteria set out in the notice of intended procurement or tender documentation; and

(b) where negotiations are concluded, provide a common deadline for the remaining participating suppliers to submit any new or revised tenders.

Article 21.13. Limited Tendering

1. Provided that it does not use this provision for the purpose of avoiding competition among suppliers or in a manner that discriminates against suppliers of the other Party or protects domestic suppliers, a procuring entity may use limited tendering and may choose not to apply Article 21.6: Notices, Article 21.7: Conditions for participation, Article 21.8: Qualification of suppliers, Article 21.10: Tender documentation, and Articles 21.11: Time- periods, 21.12: Negotiation, 21.14: Electronic auctions and 21.15: Treatment of tenders and awarding of contracts under any of the following circumstances:

(a) where: @) no tenders were submitted or no suppliers requested participation;

ii) no tenders that conform to the essential requirements of the tender

(b)

(c)

(d)

(e) ()

(g)

(h)

documentation were submitted;

Gii) no suppliers satisfied the conditions for participation; or

(iv) the tenders submitted have been declared collusive by the competent authority

provided that the requirements of the tender documentation are not substantially modified;

where the goods or services can be supplied only by a particular supplier and no reasonable alternative or substitute goods or services exist for any of the following reasons:

(i) the requirement is for a work of art; Gi) the protection of patents, copyrights or other exclusive rights; or (iii) due to an absence of competition for technical reasons;

for additional deliveries by the original supplier of goods or services that were not included in the initial procurement where a change of supplier for such additional goods or services:

(i) cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, software, services or installations procured under the initial procurement; and

Gi) would cause significant inconvenience or substantial duplication of costs for the procuring entity;

Insofar as is strictly necessary where, for reasons of extreme urgency brought about by events unforeseeable by the procuring entity, the goods or services could not be obtained in time using open tendering or selective tendering;

for goods purchased on a commodity market;

where a procuring entity procures a prototype or a first good or service that is developed at its request in the course of, and for, a particular contract for research, experiment, study or original development. Original development of a first good or service may include limited production or supply in order to incorporate the results of field testing and to demonstrate that the good or service is suitable for production or supply in quantity to acceptable quality standards, but does not include quantity production or supply to establish commercial viability or to recover research and development costs;

for purchases made under exceptionally advantageous conditions that only arise in the very short term in the case of unusual disposals such as those arising from liquidation, receivership or bankruptcy, but not for routine purchases from regular suppliers; or

where a contract is awarded to a winner of a design contest provided that:

(i) the contest has been organised in a manner that is consistent with the principles of this Chapter, in particular relating to the publication of a notice of intended procurement; and

Gi) __ the participants are judged by an independent jury with a view to a design contract being awarded to a winner.

2. A procuring entity shall prepare a report in writing on each contract awarded under paragraph 1. The report shall include the name of the procuring entity, the value and kind of goods or services procured and a statement indicating the circumstances and conditions described in paragraph 1 that justified the use of limited tendering.

Article 21.14. Electronic Auctions

Where a procuring entity intends to conduct a covered procurement using an electronic auction, the entity shall provide each participant, before commencing the electronic auction, with:

(a) the automatic evaluation method, including the mathematical formula, that is based on the evaluation criteria set out in the tender documentation and that will be used in the automatic ranking or re-ranking during the auction;

(b) the results of any initial evaluation of the elements of its tender where the contract is to be awarded on the basis of the most advantageous tender; and

(c) any other relevant information relating to the conduct of the auction.

Article 21.15. Treatment of Tenders and Awarding of ContractsTreatment of Tenders

1. A procuring entity shall receive, open and treat all tenders under procedures that guarantee the fairness and impartiality of the procurement process, and the confidentiality of tenders.

2. A procuring entity shall not penalise any supplier whose tender is received after the time specified for receiving tenders if the delay is due solely to mishandling on the part of the procuring entity.

3. Where a procuring entity provides a supplier with an opportunity to correct unintentional errors of form between the opening of tenders and the awarding of the contract, the procuring entity shall provide the same opportunity to all participating suppliers.

Awarding of Contracts

4. To be considered for an award, a tender shall be submitted in writing and shall, at the time of opening, comply with the essential requirements set out in the notices and tender documentation and be from a supplier that satisfies the conditions for participation.

5. Unless a procuring entity determines that it is not in the public interest to award a contract, the entity shall award the contract to the supplier that the entity has determined to be capable of fulfilling the terms of the contract and that, based solely on the evaluation criteria specified in the notices and tender documentation, has submitted:

(a) the most advantageous tender; or (b) where price is the sole criterion, the lowest price.

6. Where a procuring entity receives a tender with a price that is abnormally lower than the prices in other tenders submitted, it may verify with the supplier that it satisfies the conditions for participation and is capable of fulfilling the terms of the contract.

7. A procuring entity shall not use options, cancel a procurement or modify awarded contracts in a manner that circumvents the obligations under this Chapter.

8. Each Party shall make its best efforts to provide, as a general rule, for a standstill period between the award and the conclusion of a contract in order to give sufficient time to unsuccessful bidders to review and challenge the award decision.

Article 21.16. Transparency of Procurement Information

Information Provided to Suppliers

1. A procuring entity shall promptly inform participating suppliers of the entity's contract award decisions and, on the request of a supplier, shall do so in writing. Subject to Articles 21.17, paragraph 2 and 3 (Non-Disclosure of Information), a procuring entity shall, on request, provide an unsuccessful supplier with an explanation of the reasons why the entity did not select its tender and the relative advantages of the successful supplier's tender.

Publication of Award Information

2. Not later than 72 days after the award of each contract covered by this Chapter, a procuring entity shall publish a notice in the appropriate paper or electronic medium listed in Annex X-9. Where the entity publishes the notice only in an electronic medium, the information shall remain readily accessible for a reasonable period of time. The notice shall include at least the following information:

(a) a description of the goods or services procured;

(b) the name and address of the procuring entity;

(c) the name of the successful supplier;

(d) the value of the successful tender or the highest and lowest offers taken into

account in the award of the contract; (e) the date of award; and

ff) the type of procurement method used, and in cases where limited tendering was used in accordance with Article 21.12, a description of the circumstances justifying the use of limited tendering.

Maintenance of Documentation, Reports and Electronic Traceability

3. Each procuring entity shall, for a period of at least three years from the date it awards a contract, maintain:

(a) the documentation and reports of tendering procedures and contract awards relating to covered procurement, including the reports required under Article 21.12; and

(b) data that ensure the appropriate traceability of the conduct of covered procurement by electronic means.

Exchange of Statistics

4. Upon request of the other Party, and with a view to the discussions in the Sub-Committee on Government Procurement established under Article 21.20, each Party shall make available to the other Party statistics on covered procurement of goods, services and construction services, including, to the maximum extent possible, statistics on works concessions. In compliance with Article 21.22 (Cooperation), Parties shall cooperate to achieve a better understanding of each otherâs government procurement statistics.

5. Where a Party requires notices concerning awarded contracts, pursuant to paragraph 2, to be published electronically and where such notices are accessible to the public through a single database in a form permitting analysis of the covered contracts, the Party may, instead of reporting to the Sub-Committee on Government Procurement, provide a link to the website, together with any instructions necessary to access and use such data.

Article 21.17. Disclosure of Information

Provision of Information to Parties

1. On request of the other Party, a Party shall provide promptly any information necessary to determine whether a procurement was conducted fairly, impartially and in accordance with this Chapter, including information on the characteristics and relative advantages of the successful tender. In cases where release of the information would prejudice competition in

future tenders, the Party that receives the information shall not disclose it to any supplier, except after consulting with, and obtaining the consent of, the Party that provided the information.

Non-Disclosure of Information

2. Notwithstanding any other provision of this Chapter, a Party, including its procuring entities, shall not, except to the extent required by law or with the written authorisation of the supplier that provided the information, disclose information that would prejudice legitimate commercial interests of a particular supplier or that might prejudice fair competition between suppliers.

3. Nothing in this Chapter shall be construed to require a Party, including its procuring entities, authorities and review bodies, to disclose confidential information where disclosure:

(a) would impede law enforcement; (b) might prejudice fair competition between suppliers;

(c) would prejudice the legitimate commercial interests of particular persons, including the protection of intellectual property; or

(d) would otherwise be contrary to the public interest.

Article 21.18. Domestic Review Procedures

1. Each Party shall provide a timely, effective, transparent and non-discriminatory administrative or judicial review procedure through which a supplier may challenge:

(a) a breach of the Chapter; or

(b) where the supplier does not have a right to challenge directly a breach of the Chapter under the domestic law of a Party, a failure to comply with a Party's measures implementing this Chapter,

arising in the context of a covered procurement, in which the supplier has, or has had, an interest. The procedural rules for all challenges shall be in writing and made generally available.

2. In the event of a complaint by a supplier, arising in the context of covered procurement in which the supplier has, or has had, an interest, that there has been a breach or a failure as referred to in paragraph 1, the Party of the procuring entity conducting the procurement shall encourage the entity and the supplier to seek resolution of the complaint through consultations. The entity shall accord impartial and timely consideration to any such complaint in a manner that is not prejudicial to the supplier's participation in ongoing or future procurement or its right to seek corrective measures under the administrative or judicial review procedure.

3. Each supplier shall be allowed a sufficient period of time to prepare and submit a challenge, which in no case shall be less than 10 days from the time when the basis of the challenge became known or reasonably should have become known to the supplier.

4. Each Party shall establish or designate at least one impartial administrative or judicial authority that is independent of its procuring entities to receive and review a challenge by a supplier arising in the context of a covered procurement.

5. Where a body other than an authority referred to in paragraph 4 initially reviews a challenge, the Party shall ensure that the supplier may appeal the initial decision to an impartial administrative or judicial authority that is independent of the procuring entity whose procurement is the subject of the challenge.

6. Each Party shall ensure that a review body that is not a court shall have its decision subject to judicial review or have procedures that provide that:

(a) the procuring entity shall respond in writing to the challenge and disclose all relevant documents to the review body;

(b) the participants to the proceedings (âparticipantsâ) shall have the right to be heard prior to a decision of the review body being made on the challenge;

(c) the participants shall have the right to be represented and accompanied; (d) the participants shall have access to all proceedings;

(e) the participants shall have the right to request that the proceedings take place in public and that witnesses may be presented; and

(f) the review body shall make its decisions or recommendations in a timely fashion, in writing, and shall include an explanation of the basis for each decision or recommendation.

7. Each Party shall adopt or maintain procedures that provide for:

(a) rapid interim measures to preserve the supplier's opportunity to participate in the procurement. Such interim measures may result in suspension of the procurement process. The procedures may provide that overriding adverse consequences for the interests concerned, including the public interest, may be taken into account when deciding whether such measures should be applied. Just cause for not acting shall be provided in writing; and

(b) where a review body has determined that there has been a breach or a failure as referred to in paragraph 1, corrective action or compensation for the loss or damages suffered, which may be limited to either the costs for the preparation of the tender or the costs relating to the challenge, or both.

Article 21.19. Modifications and Rectifications to Coverage

1. A Party may modify or rectify its Annexes to this Chapter.

Modifications

2. When a Party intends to modify an Annex to this Chapter, the Party shall: (a) notify the other Party in writing; and

(b) include in the notification a proposal for appropriate compensatory adjustments to the other Party to maintain a level of coverage comparable to that existing prior to the modification.

3. Notwithstanding subparagraph 2(b), a Party does not need to provide compensatory adjustments if the modification covers an entity over which the Party has effectively eliminated its control or influence. Government control or influence over the covered procurement of entities listed in Annex [X] to this Chapter is presumed to be effectively eliminated insofar as the entity's procurement is concerned where the entity is exposed to competition on markets to which access is not restricted.

4. If the other Party disputes that:

(a) an adjustment proposed under sub-paragraph 2 (b) is adequate to maintain a comparable level of mutually agreed coverage;

(b) the modification covers an entity over which the Party has effectively eliminated its control or influence under sub-paragraph 3.

it shall object in writing within 45 days of receipt of the notification referred to in sub- paragraph 2 (a) or be deemed to have accepted the adjustment or modification, including for the purposes of Chapter X (Dispute Settlement).

Rectifications

5. The following changes to a Party's Annexes shall be considered a rectification of a purely formal nature, provided that they do not affect the mutually agreed coverage provided for in the Chapter:

(a) a change in the name of an entity; (b) a merger of two or more entities listed within an Annex; and

(c) the separation of an entity listed in an Annex into two or more entities that are all added to the entities listed in the same Annex.

6. In the case of proposed rectifications to a Party's Annexes, the Party shall notify the other Party every two years following the entry into force of this Chapter.

7. A Party may notify the other Party of an objection to a proposed rectification within 45 days from having received the notification. Where a Party submits an objection, it shall set out the reasons why it believes the proposed rectification is not a change provided for in paragraph 5 of this Article, and describe the effect of the proposed rectification on the mutually agreed coverage provided for in the Chapter. If no such objection is submitted in writing within 45 days after having received the notification, the Party shall be deemed to have agreed to the proposed rectification.

Consultations and Dispute resolution

8. If the other party objects to the proposed modification or rectification, the Parties will seek to resolve the issue through consultations. If no agreement is found within 60 days of receipt of the objection, the Party seeking to modify or rectify its Annex may refer the matter to the Dispute Settlement procedure under this Agreement. The intended modification or rectification of the Annex will take effect only when both Parties have agreed or on the basis of a final decision of the Dispute Settlement body.

9. The consultation procedure under paragraph 8 is without prejudice of the consultation under the Dispute Settlement procedure of this Agreement.

Article 21.20. Sub-Committee on Government Procurement

1. The Parties hereby establish a Sub-Committee on Government Procurement comprising representatives of the European Union and of Chile. On request of a Party, the Sub- Committee shall meet to address matters related to the implementation and operation of this Chapter, including the following:

(a) the modification of Appendix [X];

(b) issues regarding government procurement that are referred to it by a Party;

(c) monitoring the cooperation activities undertaken by the Parties as provided by Article 21.22;

(d) facilitation of participation of SMEs in covered procurement as provided in Article 21.21;

(e) discussion on status of implementation of the single point of access under

Article 21.6. Paragraph 7.

Article 21.21. Facilitation of Participation by Small and Medium Sized Enterprises (SMEs)

1. The Parties recognise the important contribution that SMEs can make to economic growth and employment and the importance of facilitating the participation of SMEs in government procurement.

2. The Parties recognize the importance of electronic procurement in facilitating the participation of SMEs in procurement procedures by ensuring transparency.

3. The Parties also recognize the importance of business alliances between suppliers of each Party, and in particular between SMEs, including the joint participation in tendering procedures.

4. The Parties may:

(a) provide information related to their measures used in order to contribute, promote, encourage or facilitate SMEs participation in government procurement;

(b) cooperate in the elaboration of mechanisms in order to provide information to the SMEs of the means for participating in covered procurement under this Chapter.

5. To facilitate participation of SMEs in covered procurement, each Party shall, to the extent possible:

(a) provide a definition of SMEs in an electronic portal;

(b) endeavor to make all tender documentation available free of charge;

(c) undertake any other activity designed to facilitate the participation of SMEs in

government procurement covered by this Chapter, provided that these measures are not discriminatory against the other Party's enterprises.

Article 21.22. Cooperation

1. The Parties shall make their best effort to develop cooperation activities with a view to achieving a better understanding of their respective government procurement systems, as well as a better access to their respective markets, in matters such as:

(a) exchanging experiences and information, such as regulatory frameworks, best practices and statistics;

(b) facilitating participation by suppliers in covered procurement, in particular, with respect to SMEs;

(c) developing and expanding the use of electronic means in government procurement systems;

(d) building capability by fostering mutual learning of government officials and staff of procuring entities with a view to

fulfilling the provisions of this Chapter .

2. The Parties shall inform the Sub-Committee established in Article 21.20 of any of such activities.

Article 21.23. Further Negotiations

The Sub-Committee on Government Procurement shall review the operation of this Chapter and, no later than four years after the date of entry into force of this Agreement, may propose to the Trade Committee to recommend to the Parties to hold further negotiations with a view to achieving additional market access opening.

Chapter 22. STATE-OWNED ENTERPRISES, ENTERPRISES GRANTED SPECIAL RIGHTS OR

PRIVILEGES AND DESIGNATED MONOPOLIES

Article 22.1. Definitions

For the purposes of this Chapter, the following definitions shall apply:

(a) (b)

(c)

(d)

(e)

(f)

"State-owned enterprise" means an enterprise owned or controlled by a Partyâ.

"Enterprise granted special rights or privileges?" means any enterprise, public or private, that has been granted by a Party, [in law or in fact], special rights or privileges. Special rights or privileges are granted by a Party when it designates or limits to two or more the number of enterprises authorized to provide a good or a service, taking into account the specific sectorial regulation under which the granting of the right or privilege has taken place, other than according to objective, proportional and non- discriminatory criteria, substantially affecting the ability of any other enterprise to supply the same good or service in the same geographical area under substantially equivalent conditions.

A "designated monopolyâ means: an entity, including a group of entities or a government agency, that in a relevant market in the territory of a Party is designated as the sole supplier or purchaser of a good or service, but does not include an entity that has been granted an exclusive intellectual property right solely by reason of such grant.

"Designate" means to establish or authorize a monopoly, or to expand the scope of a monopoly to cover an additional good or service.

âCommercial activitiesâ means activities, the end result of which is the production of a good or supply of a service, which will be sold in the relevant market in quantities and at prices determined by the enterprise, and are undertaken with an orientation towards profit-makingâ,

"Commercial considerations" means price, quality, availability, marketability, transportation and other terms and conditions of purchase or sale or other factors that would normally be taken into account in the commercial decisions of a privately owned

' For the establishment of ownership or control, all relevant legal and factual elements shall to be examined on a case-by-case basis.

2 For greater certainty, the granting of a license to a limited number of enterprises in allocating a scarce resource through objective, proportional and non-discriminatory criteria is not in and of itself an exclusive or special privilege.

3 For greater certainty, this excludes activities undertaken by an enterprise: (a) which operates on a not-for-profit basis; or (b) which operates on cost recovery basis.

enterprise operating according to market economy principles in the relevant business or industry.

(g) "A service supplied in the exercise of governmental authority" has the same meaning as in the GATS, including the meaning in the Annex on Financial Services where applicable.

Article 22.2. Scope of Application

1. The Parties confirm their rights and obligations under paragraphs 1 through 3 of Article XVI of the GATT 1994, the Understanding on the Interpretation of Article XVII of the GATT 1994 as well as under paragraphs 1, 2 and 5 of Article VIII of the GATS.

2. This Chapter applies to state-owned enterprises, enterprises granted special rights or privileges or designated monopolies engaged in commercial activities. Where an enterprise combines commercial and non-commercial activities,4 only the commercial activities of that enterprise are covered by this Chapter.

3. This Chapter applies to state-owned enterprises, enterprises granted special rights or privileges and designated monopolies at all levels of government.

4. This Chapter does not apply to the procurement by a Party of a good or service purchased for governmental purposes and not with a view to commercial resale, or with a view to use in the supply of a good or service for commercial sale, whether or not that procurement is a "covered procurement" within the meaning of Article 21.2 (Scope and coverage) of the Public Procurement Chapter.

5. This Chapter shall not apply to any service supplied in the exercise of governmental authority.

6. This Chapter shall not apply to state-owned enterprises, enterprises granted special rights or privileges and designated monopolies if in any one of the three previous consecutive fiscal years the annual revenue derived from the commercial activities of the enterprise was less than 100 million SDR.

7. Article 22.4 (Non-Discriminatory Treatment and Commercial Considerations) does not apply to the services sectors which are outside the scope of this Agreement.

8. Article 22.4 (Non-Discriminatory Treatment and Commercial Considerations) shall not apply to the extent that a Partyâs state-owned enterprise, enterprise granted special rights or privileges or designate monopoly makes purchases and sales of goods or services pursuant to:

* Such as carrying out a legitimate public service mandate or any activity directly related to the provision of national defence or public security.

5 During the first five years from the entry into force of this Agreement, the threshold will be of less than 200 million SDR.

(a) any existing non-conforming measure in accordance with Article X.X (Non- Conforming Measures) of Chapter (Cross-Border Trade in Services) or Article X.X (Non-Conforming Measures) of Chapter (Investment) or Article X.X (Non-Conforming Measures) of Chapter (Financial Services) that the Party maintains, continues, renews or amends set out in its Schedule in Annex XI; or

(b) any non-conforming measure that the Party adopts or maintains with respect to sectors, subsectors, or activities in accordance with Article X.X (Non- Conforming Measures) of Chapter (Cross-Border Trade in Services) or Article X.X (Non-Conforming Measures) of Chapter (Investment) or Article X.X (Non-Conforming Measures) of Chapter (Financial Services) as set out in its Schedule in Annex XII.

Article 22.3. General Provisions

Without prejudice to the Partiesâ rights and obligations under this Chapter, nothing in this Chapter prevents the Parties from establishing or maintaining state-owned enterprises or designating or maintaining monopolies or from granting enterprises special rights or privileges.

Article 22.4. Non-discriminatory Treatment and Commercial Considerations

1. Each Party shall ensure that each of its state-owned enterprises, enterprises granted special rights or privileges and designated monopolies, when engaging in commercial activities:

(a) acts in accordance with commercial considerations in its purchase or sale of a good or service, except to fulfil any terms of its public service mandate that are not inconsistent with subparagraph (b) or (c);

(b) in its purchase of a good or service:

(i) accords to a good or service supplied by an enterprise of the other Party treatment no less favourable than it accords to a like good or a like service supplied by enterprises of the Party; and

(ii) accords to a good or service supplied by an enterprise that is a covered investment in the Partyâs territory treatment no less favourable than it accords to a like good or a like service supplied by enterprises in the relevant market in the Partyâs territory that are investments of investors of the Party; and

(c) in its sale of a good or service:

(i) accords to an enterprise of the other Party treatment no less favourable than it accords to enterprises of the Party; and

Gi) accords to an enterprise that is a covered investment in the Partyâs territory treatment no less favourable than it accords to enterprises in the relevant market in the Partyâs territory that are investments of investors of the Party.

2. Paragraph 1 does not preclude state-owned enterprises, enterprises granted special rights or privileges or designated monopolies from

(a) purchasing or supplying goods or services on different terms or conditions, including those relating to price; or

(b) refusing to purchase or supply goods or services,

provided that such different terms or conditions or refusal is undertaken in accordance with commercial considerations.

Article 22.5. Regulatory Framework

1. The Parties shall make best use of international standards, as applicable, including, inter alia, the OECD Guidelines on Corporate Governance of State-Owned Enterprises, as appropriate.

2. Each Party shall ensure that any regulatory body or function that it establishes or maintains

(a) is independent from and not accountable to any of the enterprises that it regulates in order to ensure the effectiveness of the regulatory function, and

(b) acts impartiallyÂ® in like circumstances with respect to all enterprises that it regulates, including state-owned enterprises, enterprises granted special rights or privileges and designated monopolies.â

3. Each Party shall apply its laws and regulations to state-owned enterprises, enterprises granted special rights or privileges and designated monopolies in a consistent and non- discriminatory manner.

Article 22.6. Transparency

1. A Party which has reason to believe that its interests under this Chapter are being adversely affected by the commercial activities of state-owned enterprises, enterprises granted special rights or privileges or designated monopolies of the other Party may request the other Party in

6 For greater certainty, the impartiality with which the regulatory body exercises its regulatory functions is to be assessed by reference to a general pattern or practice of that regulatory body.

7 For greater certainty, for those sectors in which the Parties have agreed to specific obligations relating to the regulatory body in other Chapters, the relevant provision in the other Chapters as set out in this Agreement shall prevail.

writing to supply information on the commercial activities of the enterprise related to the carrying out of the provisions of this Chapter.

2. The requested Party shall provide the following information, provided that the request includes an explanation of (i) how the activities of the entity may be affecting the interests of the requesting Party under this Chapter and (ii) which of the following information shall be provided:

(a) the ownership and the voting structures of the enterprise, indicating the percentage of shares that the Party, its state-owned enterprises, enterprises granted special rights or privileges or designated monopolies cumulatively own, and the percentage of voting rights that they cumulatively hold, in the entity;

(b) a description of any special shares or special voting or other rights that the Party, its state-owned enterprises, enterprises

granted special rights or privileges or designated monopolies hold, [when] such rights are different from those attached to the general common shares of the entity;

(c) the organisational structure of a state-owned enterprise, enterprise granted special rights or privileges or designated monopoly and the composition of its board of directors or of an equivalent body;

(d) a description of which government departments or public bodies regulate and/or monitor the enterprise; a description of the reporting requirements imposed on it by those departments or public bodies; and the rights and practices of those government or any public bodies with respect to the appointment, dismissal or remuneration of senior executives and members of its board of directors or any other equivalent management body;

(e) the [entity]âs annual revenue and total assets over the most recent three year period for which information is available;

(f) any exemptions, immunities and related measures from which the entity benefits under the laws and regulations of the requested Party; and

(g) any additional information regarding the enterprise that is publicly available, including annual financial reports and third party audits.

3. The provisions of paragraphs 1 and 2 shall not require any Party to disclose confidential information the disclosure of which would be inconsistent with its laws and regulations, impede law enforcement, or otherwise be contrary to the public interest, or would prejudice the legitimate commercial interests of particular enterprises.

4. If the requested information is not available to the Party, that Party shall provide the reasons for this in writing to the other Party who requested the information.

Article 22.7. Party-Specific Annexes

1. Article 22.4 (Non-discriminatory Treatment and Commercial Considerations) shall not apply with respect to the non-conforming activities of state-owned enterprises or designated

monopolies that a Party lists in its Schedule to Annex X (Chileâs schedule) in accordance with the terms of the Partyâs Schedule.Â®

5 Before the end of five years from the entry into force of this Agreement, the Trade Council shall consider amendments to Annex X (Party-specific Annex).

Chapter 23. COMPETITION POLICY

Article 23.1. Principles

The Parties recognise the importance of free and undistorted competition in trade and investment. The Parties acknowledge that anti-competitive practices have the potential to distort the proper functioning of markets and undermine the benefits of trade liberalisation.

Article 23.2. Legislative Framework

1. Each Party shall (adopt or) maintain a competition law which applies to all sectors of the economy ! and addresses all of the following practices in an effective manner:

(a) agreements between enterprises, decisions by associations of enterprises and concerted practices which have as their object or effect the prevention, restriction or distortion of competition;

(b) abuses by one or more enterprises of a dominant position; and

(c) mergers between enterprises which significantly impede effective competition, in particular as a result of the creation or strengthening of a dominant position.

2. All enterprises, private or public, shall be subject to the competition law referred to in this Article.

3. The application of the competition law should not obstruct the performance, in law or in fact, of particular tasks of public interest that may be assigned to the enterprises in question. Exemptions to the competition law of a Party should be limited to tasks of public interest, limited to what is strictly necessary to achieve the desired public policy objective and transparent.

Article 23.3. Implementation

1. Each Party shall maintain a functionally independent authority responsible for, and appropriately equipped with the powers and resources necessary for the full application and the effective enforcement of the competition law referred to in Article 23.2 (Legislative Framework).

For greater certainty, competition rules in the EU apply to the agricultural sector in accordance with Regulation 1308/2013 of the European Parliament and Council establishing a common organisation of the markets in agricultural products and its subsequent amendments or replacements, if any (Official Journal L347/2013).

2. Each Party shall apply its respective competition law in a transparent and non- discriminatory manner, respecting the principles of procedural fairness and rights of defence of the enterprises concerned, irrespective of their nationality or ownership status.

Article 23.4. Cooperation

1. The Parties acknowledge that it is in their common interest to promote cooperation regarding competition policy and enforcement.

2. To facilitate such cooperation, the Partiesâ competition authorities may exchange information, subject to the confidentiality rules as foreseen in the Partiesâ respective laws and regulations.

3. The competition authorities of the Parties will endeavour to coordinate, where this is possible and appropriate, their enforcement activities relating to the same or related conduct or cases.

Article 23.5. Consultation

1. To foster mutual understanding between the Partiesâ, or to address specific matters on the interpretation or application of this Chapter, each Party shall, upon the request of the other Party, enter into consultations on issues raised by the other Party. The Party requesting consultations shall indicate, if relevant, how the matter affects trade between the Parties.

2. The Parties shall promptly discuss, upon the request of either Party, any questions arising from the interpretation or application of this Chapter.

3. To facilitate discussion of the matter that is the subject of the consultations, each

Party shall endeavour to provide relevant non-confidential information to the other Party.

Article 23.6. Non-application of Dispute Settlement

The provisions of this Chapter shall not be subject to dispute settlement in accordance with Chapter [x. Dispute settlement].

2 For the EU, the interlocutor is DG Competition of the European Commission.

Chapter 24. SUBSIDIES

Article 24.1. Principles

The Parties agree that subsidies can be granted when they are necessary to achieve public policy objectives. The Parties acknowledge, however, that certain subsidies have the potential to distort the proper functioning of markets and undermine the benefits of trade liberalisation and competition. Therefore, in principle, subsidies should not be granted when they negatively affect, or are likely to negatively affect, trade or competition between the Parties.

Article 24.2. Definition and Scope

1. For the purposes of this Chapter, a subsidy means a measure which fulfils the conditions set out in Article 1.1 of the WTO Agreement on Subsidies and Countervailing Measures (hereinafter referred to as âSCM Agreementâ) irrespective of whether it is granted to an enterprise supplying goods or services.!

2. A subsidy is subject to this Chapter only if this subsidy is determined to be specific in accordance with Article 2 of the SCM Agreement.

3. Subsidies to all enterprises, including public and private enterprises, are subject to this Chapter.

4. The Parties shall ensure that subsidies to enterprises entrusted with the operation of services of general economic interest shall be subject to the rules in this Section, in so far as the application of those rules does not obstruct the performance, in law or in fact, of the particular tasks that are assigned to these enterprises. Assigned tasks shall be transparent and any limitation to or deviation from the application of the rules in this Section shall not go beyond what is necessary to achieve the assigned tasks.

5. Article 24.5 (Consultations) does not apply to subsidies related to trade in goods covered by Annex 1 of the WTO Agreement on Agriculture.

6. Article 24.5 (Consultations) and 24.6 (Subsidies subject to conditions) do not apply to the audio-visual sector.

This Article does not prejudice the outcome of future discussions in the WTO or related plurilateral fora on the definition of subsidies for services. Depending on the progress of those discussions, the Parties may adopt a decision by [relevant committee] to update this Agreement in this respect.

7. Article 24.5 (Consultations) and 24.6 (Subsidies subject to conditions) do not apply to subsidies granted for the economic development of indigenous people and their communitiesâ. These subsidies shall be targeted, proportional and transparent.

8. Article 24.5(Consultations) and 24.6 (Subsidies subject to conditions) does not apply to subsidies granted to remedy the damage caused by natural disasters or other exceptional occurrences.

9. Subsidies that are granted on a temporary basis to respond to an economic emergency* shall be proportional and targeted in order to remedy that emergency. Article 24.5 (Consultations) do not apply to such subsidies.

Article 24.3. Relationship with the WTO

This Chapter applies without prejudice to the rights and obligations of a Party under Article XV GATS, Article XVI of GATT 1994, the SCM Agreement and the WTO Agreement on Agriculture.

Article 24.4. Transparency

1. Each Party shall make transparent the following with respect to a subsidy granted or maintained within its territory:

(a) the legal basis and purpose of the subsidy; (b) form of the subsidy; (c) amount of the subsidy or the amount budgeted for the subsidy and;

(d) where possible, the name of the recipient of the subsidy.

2. A Party shall be considered to have met the requirement of paragraph 1 if:

(a) the subsidy is notified under Article 25 of the SCM Agreement, provided that the notification contains all the information required under Paragraph 1 and is provided at least every two years;

(b) the subsidy is notified under Article 18 of the Agreement on Agriculture; or

2 For the purposes of this paragraph, indigenous people and their communities should be understood as those defined in the Partiesâ Laws. For the EU, this encompasses both EU Law and the Laws of its Member States.

3 Economic emergency should be understood as an economic event that causes a serious disturbance in the economy of a Party. For the EU, âthe economy of a Partyâ should be understood as the economy of the EU or of one (or more than one) of its Member States.

(c) the information required under Paragraph 1 is made available by the Parties or on their behalf on a publicly accessible website, by 31 December of the calendar year subsequent to the year in which the subsidy was granted or maintained. The information shall be made available no later than two years after the entry into force of this Agreement.

Article 24.5. Consultations

1. If a Party considers that a subsidy may negatively affect its trade interests or competition, the Party may express its concern in writing to the other Party and request consultations on the matter. The request shall include an explanation of how the subsidy has or could have a negative effect on the requesting Party's interests.

2. The requesting Party may seek the following information about the subsidy:

(a) the legal basis and policy objective or purpose of the subsidy;

(b) the form of the subsidy;

(c) the dates and duration of the subsidy and any other time limits attached to it; (d) the eligibility requirements of the subsidy;

(e) the total amount or the annual amount budgeted for the subsidy;

ff) where possible, the name of the recipient enterprise of the subsidy; and

(g) any other information permitting an assessment of the negative effects of the subsidy.

3. To facilitate the consultation, the requested information shall be provided in writing no later than 60 days after the date of receipt of the request.

4. In the event that any requested information is not provided by the requested Party, that Party shall explain the absence of such information in its written response.

5. If the requesting Party, after having received the requested information and following consultations, considers that the subsidy concerned has or may have a significant negative effect on its trade interests or competition, the requested Party shall use its best endeavours to eliminate or minimise those effects.

Article 24.6. Subsidies Subject to Conditions1. Each Party, When Granting the Following Subsidies, Shall Apply Conditions as Stated Below:

(a)

(b)

(c)

subsidies whereby a government, directly or indirectly, is responsible for guaranteeing debts or liabilities of certain enterprises, on condition that the coverage of the debts and liabilities is not unlimited with regards to the amount of those debts and liabilities or the duration of such responsibility; and

subsidies to insolvent or ailing enterprises (such as loans and guarantees, cash grants, capital injections, provision of assets below market prices, tax exemptions) with a duration above one year, on condition that a credible restructuring plan has been prepared which is based on realistic assumptions with the view to ensuring the return of the insolvent or ailing enterprises within a reasonable time to long-term viability and with the enterprise contributing itself to the costs of restructuring. Small- and medium- sized enterprises are not required to contribute themselves to the costs of restructuring.

Point b of paragraph 1 does not apply to subsidies provided to enterprises as temporary liquidity support in the form of loan guarantees or loans limited to the amount needed to merely to keep an ailing company in business for the time necessary to adopt a restructuring or liquidation plan.

2. This Article applies only to those subsidies that negatively affect trade and competition of

the other Party or are likely to do so.

3. This Article does not apply to subsidies which are granted to ensure the orderly market exit

of a company.

4. This Article does not apply to subsidies, the cumulative amounts or budgets of which are

less than 170.000 SDR per enterprise over a period of three consecutive years.

Article 24.7. Use of SubsidiesEach Party Shall Ensure That Enterprises Use Subsidies Only for the Explicitly Defined Policy Objective for Which the Subsidies Have Been Grantedâ,

Article 24.8. Exclusion from Dispute SettlementDispute Settlement Does Not Apply to

Paragraph 5 of Article 24.5 (Consultations).

For greater certainty, when a Party has set up the appropriate legislative frameworks and administrative procedures to this effect, the obligation is considered to be fulfilled.

Section SECTION C GENERAL PROVISIONS

Article 24.9. Confidentiality

When exchanging information under this Chapter the Parties shall take into account the limitations imposed by their respective legislations concerning professional and business secrecy and shall ensure the protection of business secrets and other confidential information.

When a Party communicates information under this Agreement, the receiving Party shall maintain the confidentiality of the communicated information.

Chapter 25. INTELLECTUAL PROPERTY

Section 1. General Provisions

Article 25.1. Definitions

For the purpose of this Agreement, intellectual property refers to all categories of intellectual property rights that are the subject of Sub-Section 1 (Copyright and Related Rights) to Sub- Section 7 (Plant Varieties) of Section B (Standards Concerning Intellectual Property Rights) of this chapter or Sections 1 through 7 of Part Il of the Agreement on Trade-Related Aspects of Intellectual Property Rights as amended by the Decision of the General Council of the World Trade Organization of 6 December 2005, (hereinafter referred to as TRIPS Agreement), including protection against unfair competition as referred to in Article 10bis of the Paris Convention for the Protection of Industrial Property of 20 March 1883, as last revised at Stockholm on 14 July 1967 (hereinafter referred to as âParis Conventionâ).

Article 25.2. Objectives

1. The objectives of this chapter are to:

(a) facilitate the production and commercialization of innovative and creative products between the Parties contributing to a more sustainable and inclusive economy for the Parties;

(b) facilitate and govern trade between the Parties as well as reduce distortions and impediments to such trade and

(c) achieve an adequate and effective level of protection and enforcement of intellectual property rights.

2. The objectives set forth in Article 7 of the TRIPS Agreement shall apply to this Chapter mutatis mutandis.

Article 25.3. Principles

1. The principles set forth in Article 8 of the TRIPS Agreement shall apply to this Chapter mutatis mutandis.

2. Taking into consideration the underlying public policy objectives of domestic systems, the Parties recognise the need to:

(a) promote innovation and creativity; (b) facilitate the diffusion of information, knowledge, technology, culture and the arts;

through their respective intellectual property systems, while respecting the principles of transparency, and taking into account the interests of relevant stakeholders, including right holders, users and the general public.

Article 25.4. National Treatment

1. In respect of all categories of intellectual property rights covered in this Chapter, each Party shall accord to the nationals of the other Party treatment no less favourable than it accords to its own nationals with regard to the protection"! of intellectual property rights, subject to the exceptions already provided in, respectively, the Paris Convention (1967), the Berne Convention (1971), the Rome Convention or the Treaty on Intellectual Property in Respect of Integrated Circuits. In

respect of performers, producers of phonograms and broadcasting organizations, this obligation only applies in respect of the rights provided under this Agreement.

2. A Party may avail itself of the exceptions permitted under paragraph 1 in relation to its judicial and administrative procedures, including requiring a national of the other Party to designate an address for service of process in its territory, or to appoint an agent in its territory, provided that such derogation is:

ay For the purposes of this paragraph, âprotectionâ shall include matters affecting the availability, acquisition, scope, maintenance, and enforcement of intellectual property rights as well as matters affecting the use of intellectual property rights specifically addressed in this Chapter. Further, for the purposes of this paragraph, âprotectionâ also includes measures to prevent the circumvention of effective technological measures and measures concerning rights management information.

(a) necessary to secure compliance with laws or regulations that are not inconsistent with this Chapter; and

(b) not applied in a manner that would constitute a disguised restriction on trade.

3. Paragraph 1 and 2 do not apply to procedures provided in multilateral agreements concluded under the auspices of WIPO relating to the acquisition or maintenance of intellectual property rights.

Article 25.5. Intellectual Property and Public Health.

1. The Parties recognise the importance of the Declaration on the TRIPS Agreement and Public Health, adopted on 14 November 2001 (hereinafter referred to as the âDoha Declarationâ) by the Ministerial Conference of the WTO. In interpreting and implementing the rights and obligations under this Chapter, the Parties shall ensure consistency with the Doha Declaration.

2. Each Party shall implement Article 31bis of the TRIPS Agreement, as well as the Annex and Appendix to the Annex thereto, which entered into force on 23 January 2017.

Article 25.6. Nature and Scope of Obligations.

1. Each Party shall comply with their commitments under the international treaties dealing with intellectual property rights to which they are a party, including the TRIPS Agreement as amended by the Decision of the General Council of the World Trade Organization of 6 December 2005. The provisions of this Chapter shall complement and further specify the rights and obligations of each Party under the TRIPS Agreement and other international treaties in the field of intellectual property.

2. This Chapter does not preclude the Parties from applying provisions of domestic law introducing higher standards for the protection and enforcement of intellectual property rights, provided that they are compatible with the provisions of this Chapter. Each Party shall be free to determine the appropriate method of implementing the provisions of this Chapter within its own legal system and practice.

Article 25.7. Exhaustion

Nothing in this Agreement prevents a Party from determining whether or under what conditions the exhaustion of intellectual property rights applies under its legal system.

Section 2. Standards Concerning Intellectual Property Rights

Sub-Section 1 Copyright and Related Rights

Article 25.8. International Agreements

1. Each Party reaffirms their commitment to and shall comply with:

a) The Berne Convention for the Protection of Literary and Artistic Works;

b) The International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations;

c) The WIPO (World Intellectual Property Organisation) Copyright Treaty;

d) The WIPO Performances and Phonograms Treaty;

e) The Marrakesh Treaty to Facilitate Access to Published Works by Visually Impaired Persons and Persons with Print Disabilities.

2. Each Party complies with and shall make all reasonable efforts to ratify or accede to the Beijing Treaty on Audiovisual Performances.

Article 25.9. AuthorsEach Party Shall Provide for Authors the Exclusive Right to Authorise or Prohibit:

1. direct or indirect, temporary or permanent reproduction by any means and in any

form, in whole or in part of their works;

2. any form of distribution to the public by sale or otherwise of the original of their works or of copies thereof;

3. any communication to the public of their works, by wire or wireless means, including the making available to the public of their works in such a way that members of the public may access them from a place and at a time individually chosen by them;

4. the commercial rental to the public of originals or copies of their computer programs and cinematographic works.

Article 25.10. Performers

Each Party shall provide for performers the exclusive right to authorise or prohibit:

1. the fixation! of their performances;

2. the direct or indirect, temporary or permanent reproduction by any means and in any form, in whole or in part of fixations of their performances;

3. the distribution to the public, by sale or otherwise, of the fixations of their performances;

4. the making available to the public of fixations of their performances, by wire or wireless means, in such a way that members of the public may access them from a place and at a time individually chosen by them;

5. the broadcasting by wireless means and the communication to the public of their performances, except where the performance is itself already a broadcast performance or is made from a fixation.

Article 25.11. Producers of Phonograms

Each Party shall provide for phonogram producers the exclusive right to authorise or prohibit:

1. the direct or indirect, temporary or permanent, reproduction by any means and in any

! Fixation means the embodiment of sounds, or of the representations thereof, from which they can be

perceived, reproduced or communicated through a device.

form, in whole or in part of their phonograms;

2. the distribution to the public, by sale or otherwise, of their phonograms, including copies thereof;

3. the making available to the public of their phonograms, by wire or wireless means, in such a way that members of the public may access them from a place and at a time individually chosen by them,

4. the commercial rental of their phonograms to the public.

Article 25.12. Broadcasting Organisations

Each Party shall provide broadcasting organisations with the exclusive right to authorise or prohibit:

1. the fixation of their broadcasts transmitted by wireless means;

2. the direct or indirect, temporary or permanent reproduction by any means and in any form, in whole or in part, of fixations of their broadcasts transmitted by wireless means;

3. the rebroadcasting of their broadcasts by wireless means, as well as the communication to the public? of their broadcasts if such communication is made in places accessible to the public against payment of an entrance fee.

Article 25.13.

Broadcasting and communication to the public of phonograms published for commercial 3 purposes

1. Each Party shall provide a right in order to ensure that a single equitable remuneration is paid by the user to the performers and producers of phonograms, if a phonogram published for commercial purposes, or a reproduction of such phonogram, is used for broadcasting or communication to the public.*

? It is understood that nothing in this paragraph prevents a Party from determining the conditions under which this right may be exercised, in accordance with Article 13(d) of the Rome Convention.

3 Rach Party may grant more extensive rights, as regards the broadcasting and communication to the public of phonograms published for commercial purposes, to performers and producers of phonograms.

â For the purposes of this Article, âcommunication to the publicâ does not include the making available to the public of a phonogram, by wire or wireless means, in such a way that members of the public may access them from a place and at a time individually chosen by them.

2. Each Party shall ensure that the single equitable remuneration is shared between the relevant performers and phonogram producers. Each Party may enact legislation that, in the absence of an agreement between performers and producers of phonograms, sets the terms according to which performers and producers of phonograms shall share the single equitable remuneration.

Article 25.14. Term of Protection

1. The rights of an author of a work shall run for the life of the author and for not less than 70 years after his death, irrespective of the date when the work is lawfully made available to the publicÂ®.

2. In the case of a work of joint authorship, the term referred to in paragraph 1 shall be calculated from the death of the last surviving author.

3. In the case of anonymous or pseudonymous works, the term of protection shall run for not less than 70 years after the work is lawfully made available to the public. However, when the pseudonym adopted by the author leaves no doubt as to his identity, or if the author discloses his identity during the period referred to in the first sentence, the term of protection applicable shall be that laid down in paragraph 1.

4. The term of protection of cinematographic or audiovisual works shall expire not less than 70 years after the death of the last surviving author. It shall be a matter for the legislation of the Parties to determine the persons that are to be considered authors of a cinematographic or audiovisual work.

5. The rights of broadcasting organisations shall expire 50 years after the first transmission of a broadcast.

6. The rights of performers shall expire not less than 50 years after the date of the fixation of the performance.

5 Where a Party provides a special term of protection where a legal person is designated as the rightholder, the term of protection shall run for not less than 70 years after the work is lawfully made available to the public.

If a fixation of the performance is lawfully published or, where provided for by a Party, lawfully communicated to the public within this period, the term of protection shall be calculated from the date of the first such publication or, where provided by a Party, the first such communication to the public. Where a Party provides for both possibilities, the term of protection shall be calculated from whichever event occurs earlier.

With respect to the fixation of the performance in a phonogram, the term of protection shall be not less than 70 years after the date of the first such publication or, where provided for by a Party, the first such communication to the public. Where a Party provides for both possibilities, the term of protection shall be calculated from whichever event occurs earlier.

7. The rights of producers of phonograms shall expire not less than 50 years after the fixation is made. However, if the phonogram has been lawfully published or, where provided for by a Party, lawfully communicated to the public within this

period, the said rights shall expire not less than 70 years from the date of the first such publication or, where provided for by a Party, the first such communication to the public.

The Parties may adopt or maintain effective measures in order to ensure that the profit generated during the 20 years of protection beyond 50 years is shared fairly between the performers and the producers of phonograms.

Article 25.15. Resale Right

1. Each Party shall provide, for the benefit of the author of an original work of graphic or plastic art, a resale right, to be defined as an inalienable right, which cannot be waived, even in advance, to receive a royalty based on the sale price obtained, for any resale of the work, subsequent to the first transfer of the work by the authorÂ®,

2. The right referred to in paragraph 1 shall apply to all acts of resale involving as sellers, buyers or intermediaries art market professionals, such as salesrooms, art galleries and, in general, any dealers in works of art.

3. Each Party may provide that the right referred to in paragraph 1 shall not apply to acts

Â§ Notwithstanding this Article, the first paragraph of Article 36 of Law No. 17.366 of Chile as it stood on [XX.XX.XXXX] may continue to apply with respect to the calculation of royalties.

of resale where the seller has acquired the work directly from the author less than three years before that resale and where the resale price does not exceed a certain minimum amount.]

Article 25.16. Collective Management of Rights

1. The Parties promote cooperation between their respective collective management organisations for the purpose of fostering the availability of works and other protected subject matter in the territories of the Parties and the transfer of rights revenue between the respective collective management organisations for the use of such works or other protected subject matter.

2. The Parties promote transparency of collective management organisations, in particular regarding rights revenue they collect, deductions they apply to rights revenue they collect, the use of the rights revenue collected, the distribution policy and their repertoire.

3. Each Party shall ensure that collective management organisations established in its territory and representing another collective management organisation established in the territory of the other Party by way of a representation agreement, are encouraged to accurately, regularly and diligently pay amounts owed to the represented collective management organisations as well as provide the represented collective management organisation with the information on the amount of rights revenue collected on its behalf and any deductions made to this rights revenue.

Article 25.17. Exceptions and Limitations

Each Party shall provide for limitations or exceptions to the rights only in certain special cases which do not conflict with a normal exploitation of the work or other subject-matter and do not unreasonably prejudice the legitimate interests of the right holders.

Article 25.18. Protection of Technological Measures

1. Each Party shall provide adequate legal protection against the circumvention of any effective technological measures, which the person concerned, carries out in the knowledge, or with reasonable grounds to know, that he or she is pursuing that objective.

2. Each Party shall provide adequate legal protection against the manufacture, import, distribution, sale, rental, advertisement for sale or rental, or possession for commercial purposes of devices, products or components or the provision of services which:

(a) are promoted, advertised or marketed for the purpose of circumvention of, or

(b) have only a limited commercially significant purpose or use other than to circumvent, or

(c) are primarily designed, produced, adapted or performed for the purpose of enabling or facilitating the circumvention of any effective technological measures.

3. For the purposes of this Sub-Section, the expression âtechnological measuresâ means any technology, device or component that, in the normal course of its operation, is designed to prevent or restrict acts, in respect of works or other subject-matterâ, which are not authorised by the right holder of any copyright or related right as provided for by the law of a Party. Technological measures shall be deemed âeffectiveâ where the use of a protected work or other subject matter is controlled by the right holders through application of an access control or protection process, such as encryption, scrambling or other transformation of the work or other subject-matter or a copy control mechanism, which achieves the protection objective.

4. Notwithstanding the legal protection provided for in paragraph 1, in the absence of voluntary measures taken by the right-holders, each Party may take appropriate measures, as necessary, to ensure that the adequate legal protection against the circumvention of effective technological measures provided for in accordance with this Article does not prevent beneficiaries of exceptions or limitations provided for in accordance with Article 25.17 on exceptions and limitations from enjoying such exceptions or limitations.

Article 25.19.

7 Tt is understood that the expression âworks or other subject matterâ in this sentence does not cover works or other subject matter whose term of protection has expired.

Obligations concerning Rights Management Information

1. Each Party shall provide adequate legal protection against any person knowingly performing without authority any of the following acts:

(a) the removal or alteration of any electronic rights-management information;

(b) the distribution, importation for distribution, broadcasting, communication or making available to the public of works or other subject-matter protected under this Sub-Section from which electronic rights-management information has been removed or altered without authority,

if such person knows, or has reasonable grounds to know, that by so doing he is inducing, enabling, facilitating or concealing an infringement of any copyright or any related rights as provided by national legislation.

2. For the purposes of this Article, the expression ârights-management informationâ means any information provided by right holders which identifies the work or other subject- matter referred to in this Article, the author or any other right holder, or information about the terms and conditions of use of the work or other subject-matter, and any numbers or codes that represent such information.

3. Paragraph 2 shall apply when any of these items of information is associated with a copy of, or appears in connection with the communication to the public of, a work or other subject-matter referred to in this Article.

Sub-Section 2

Trademarks

Article 25.20. International Agreements

Each Party:

U1 shall accede to/ adhere to the Protocol related to the Madrid Agreement concerning the International Registration of Marks,

O shall comply with the Trademark Law Treaty and with the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks, and

UO shall make all reasonable efforts to accede to the Singapore Treaty on the Law of Trademarks.

Article 25.21. Rights Conferred by a Trademark

Each Party shall provide that the owner of a registered trademark has the exclusive right to prevent third parties that do not have the ownerâs consent from using in the course of trade identical or similar signs to those in respect of which the trademark is registered, where such use would result in a likelihood of confusion. In the case of the use of an identical sign for identical goods or services, a likelihood of confusion shall be presumed.

Article 25. Registration Procedure

1 Each Party shall provide for a system for the registration of trademarks in which each final negative decision, including partial refusal, taken by the relevant trademark administration shall be communicated in writing to the relevant party and duly reasoned.

2. Each Party shall provide for the possibility to oppose trademark applications or, when appropriate according to domestic legislation, trademark registrations. Such opposition proceedings shall be adversarial.

3. Each Party shall provide a publicly available electronic database of trademark applications and trademark registrations.

Article 25.23. Well-known Trademarks

For the purpose of giving effect to protection of well-known trademarks, as referred to in Article 6bis of the Paris Convention (1967) and Article 16(2) and (3) of the TRIPS Agreement, the Parties affirm the importance of the Joint Recommendation adopted by the assembly of the Paris Union for the Protection of Industrial Property and the General Assembly of the World Intellectual Property Organization (WIPO) at the Thirty-Fourth

Series of Meetings of the Assemblies of the Member States of WIPO (September 1999).

Article 25.24. Exceptions to the Rights Conferred by a Trademark1. Each Party:

(a) shall provide for the fair use of descriptive terms as a limited exception to the rights conferred by trademarks; and

(b) may provide for other limited exceptions,

provided that these exceptions take account of the legitimate interests of the owners of the trademarks and of third parties.

2. The trademark shall not entitle the proprietor to prohibit a third party from using, in the course of trade:

(a) his own name or address;

(b) indications concerning the kind, quality, quantity, intended purpose, value, geographical origin, the time of production of goods or of rendering of the service, or other characteristics of goods or services;

(c) the trademark where it is necessary to indicate the intended purpose of a good or service, in particular as accessories or spare parts;

provided he uses them in accordance with honest practices in industrial or commercial 8 mattersâ.

3. Each Party may provide that the trademark shall not entitle the proprietor to prohibit a third party from using, in the course of trade, an earlier right which only applies in a particular locality if that right is recognised by the laws of the Party in question and within the limits of the territory in which it is recognised.

Article 25.25.

8 Alternatively, a Party may make such use subject to not being misleading or creating confusion among the relevant part of the public.

Grounds for revocation

1. Each Party shall provide that a trademark shall be liable to revocation if, within a continuous period of five years, it has not been put to genuine use in the relevant territory in connection with the goods or services in respect of which it is registered, and there are no proper reasons for non-use.

However, a Party may provide that no person may claim that the proprietor's rights in a trademark should be revoked where, during the interval between expiry of the five-year period and filing of the application for revocation, genuine use of the trademark has been started or resumed. The commencement or resumption of use within a period of three months preceding the filing of the application for revocation which began at the earliest on expiry of the continuous period of five years of non-use, shall, however, be disregarded where preparations for the commencement or resumption occur only after the proprietor becomes aware that the application for revocation may be filed.

2. A trademark shall also be liable to revocation if, after the date on which it was registered in consequence of acts or

inactivity of the proprietor, it has become the common name in the trade for a good or service in respect of which it is registered.?

Article 25.26. Bad Faith Applications

A trademark shall be liable to be declared invalid where the application for registration of the trademark was made in bad faith by the applicant. Each Party may also provide that such a trademark shall not be registered.

Sub-Section 3

Designs!Â°

Article 25.27.

Â° A trademark may also be liable to revocation if, after the date on which it was registered in consequence of the use made of it by the proprietor of the trademark or with his consent in respect of the goods or services for which it is registered, it is liable to mislead the public, particularly as to the nature, quality or geographical origin of those goods or services.

10 References in this Chapter to designs are those to registered industrial designs.

International Agreements

Each Party shall make all reasonable efforts to accede to the Geneva Act to The Hague Agreement Concerning the International Registration of Industrial Designs (1999).

Article 25.28. Protection of Registered Designs!!

1. Each Party shall provide for the protection of independently created designs that are new or original.'* This protection shall be provided by registration and shall confer an exclusive right upon their holders in accordance with the provisions of this article.

2. The holder of a registered design shall have the right to prevent third parties not having the holderâs consent at least from making, selling, importing, exporting the product bearing and embodying the protected design or using articles bearing or embodying the protected design when such acts are undertaken for commercial purposes, unduly prejudice the normal exploitation of the design, or are not compatible with fair trade practice.

3. A design applied to or incorporated in a product which constitutes a component part of a complex product shall only be considered to be new or original:

(a) if the component part, once it has been incorporated into the complex product, remains visible during normal use of the latter, and

(b) to the extent that those visible features of the component part fulfil in themselves the requirements as to novelty or originality.

4. "Normal use" within the meaning of paragraph 3(a) shall mean use by the end user, excluding maintenance, servicing or repair work.

Article 25.29. U for the Purposes of Sub-Section (Designs), the Union Also Grants Protection to the Unregistered Design

when it meets the requirements of Council Regulation (EC) No. 6/2002 of 12 December 2001 on Community designs, as last amended by Council Regulation (EC) No. 1891/2006 of 18 December 2006.

B The Parties agree that when the domestic law of a Party so provides, individual character of designs can also be required. This refers to designs that significantly differ from known designs or combinations of known designsâ features. The Union considers designs to have individual character if the overall impression it produces on the informed users differs from the overall impression produced on such a user by any design which has been made available to the public.

Duration of Protection

The duration of protection available shall amount to at least 15 years from the date of filing of the application.

Article 25.30. Exceptions and Exclusions

1. Each Party may provide limited exceptions to the protection of designs provided that such exceptions do not unreasonably conflict with the normal exploitation of protected designs and do not unreasonably prejudice the legitimate interests of the holder of the protected design, taking account of the legitimate interests of third parties.

2. Design protection shall not extend to designs dictated essentially by technical or functional considerations. In particular a design right shall not subsist in features of appearance of a product which must necessarily be reproduced in their exact form and dimensions in order to permit the product in which the design is incorporated or to which it is applied to be mechanically connected to or placed in, around or against another product so that either product may perform its function.

3. By way of derogation from paragraph 2, a design may subsist in a design, which has the purpose of allowing the multiple assembly or connection of mutually interchangeable products within a modular system.

Article 25.31. Relationship to Copyright

A design shall also be eligible for protection under the law of copyright of a Party as from the date on which the design was created or fixed in any form. The extent to which, and the conditions under which, such a protection is conferred, including the level of originality required, shall be determined by each Party.

Sub-Section 4

Geographical Indications

Article 25.32. Definition and Scope of Application

1. Geographical indications are, for the purposes of this Agreement, indications, which identify a good as originating in the territory of a Member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin.

2. This Sub-section applies to geographical indications, which identify products listed in Annex III.

3. The Parties agree to consider extending the scope of geographical indications covered by this Sub-section after its entry into force to other product classes of geographical indications not covered by the scope referred to in paragraph 2, and in particular handicrafts, by taking into account the legislative development of the Parties.

4. Geographical indications of a Party to be protected by the other Party shall only be subject to this Sub-Section if they are protected as such in the country of origin.

Article 25.33. Listed Geographical Indications

Parties, having examined both the legislation of the other Party referred to in Annex I to this Sub-Section and the geographical indications of the other Party listed in Parts A and B in Annex II, and having completed proper publicity measures, in accordance with the laws and ptactices of each Party, undertake to protect those geographical indications listed in Annex II in accordance with the level of protection laid down in this Sub-Section.

Article 25.34. Amendment of the List of Geographical Indications

Parties agree on the possibility to amend the list of geographical indications to be protected in Annex III as laid down in this Agreement in accordance with Article X.25.33. Additions to the Annex II from each Party shall not exceed 45 geographical indications every 3 years following the entry into force of the agreement. New geographical indications shall be added after having completed the opposition procedure in accordance with the criteria set out in Annex II and after having examined the geographical indications, to the satisfaction of both Parties. This shall also be applicable to amendments of listed geographical indications in Annex III unless this is considered a minor change by both Parties related to the spelling of a protected GI or the reference to the denomination of the geographical area it is attributable to. A geographical indication shall be included by mutual consent of the Parties.

Article 25.35. Scope of Protection of Geographical Indications

1.- The geographical indications listed in Annex III, as well as those added pursuant to Article 25.34, shall be protected

against:

a) any commercial use of the geographical indication, for the same type of product and that either:

(i) does not originate in the place of origin specified in Annex DI for that geographical indication; or

(ii) does originate in the place of origin specified in Annex III for that geographical indication but was not produced or manufactured in accordance with the product specification of the protected name, even where the name is accompanied by terms such as âkindâ, âtypeâ, âstyleâ, âimitationâ, âflavourâ, or other expressions of the sort.

(b) the use of any means in the designation or presentation of a good that indicates or suggests that the good, in question originates in a geographical area other than the true place of origin in a manner which bears the risk to mislead the public as to the geographical origin of the good.

(c) any use which constitutes an act of unfair competition within the meaning of Article 10 bis of the Paris Convention for the Protection of Industrial Property (1967) done at Stockholm on 14 July 1967, including the exploitation of the reputation of a geographical indication or any false or misleading indication as to the provenance, origin, nature or essential qualities of the product, on the inner or outer packaging, advertising material, or the documents related to the goods themselves, and any practice liable to mislead the consumer as to the true origin of the product.

2.- Protected geographical indications shall not become generic in the territories of the Parties.

3.- There shall be no obligation under this Sub-section to protect geographical indications, which are not or cease to be protected in their territory of origin.

Furthermore, no Party shall preclude the possibility that the protection or recognition of a geographical indication may be cancelled by the competent authorities in the territory of its origin on the basis that the protected or recognized term has ceased meeting the conditions upon which the protection or recognition was originally granted in its territory of origin.

The Parties shall notify each other if a geographical indication ceases to be protected in its territory of origin. Such notification shall take place in accordance with procedures laid down in Article X.25.40

4.- Nothing in this agreement shall prejudice the right of any person to use, in the course of trade, that personâs name of that personâs predecessor in business, except where such name is used with the purpose to mislead the public.

5- The protection provided under this Article shall apply to the translation of the geographical indications listed in Annex III, if the use of such translation bears the risk to mislead the public.

If a translation of a geographical indication is identical with or contains within it generic or descriptive terms, including nouns and adjectives, or customary in common language, as the common name for a product in the territory of a Party, or if a geographical indication is not identical with but contains within it such a term, the provisions of this Sub-Section shall not prejudice the right of any person to use that term in association with that product.

6.- The protection provided under this Sub-section shall not apply to an individual component of a multicomponent term that is protected as a geographical indication contained in Annex Ill, if the individual component'? is a term in the common language as the common name for the associated product.

7.- Nothing in this Sub-Section shall prevent the use in the territory of a Party, with respect to any product, of a name of a plant variety or an animal breed.!4

8.- For new geographical indications to be added, nothing shall require a Party to protect a geographical indication which is identical to the term customary in common language as the common name for the associated good in the territory of that Party.>

Article 25.36. '3 as Indicated In Appendix to Annex III, Which Contains Terms for Which Protection Is Not Sought.

'4 The Parties define in the Appendix to Annex III the plants varieties and animal breeds the use of which shall not be prevented.

'5 In determining for new geographical indications to be added, whether a term is the term customary in common language as the common name for the relevant good in the territory of a Party, that Partyâs authorities shall have the authority to take into account how consumers understand the term in the territory of that Party. Factors relevant to such consumer understanding may include: (a) whether the term is used to refer to the type of good in question, as indicated by competent

sources such as dictionaries, newspapers and relevant websites; or (b) how the good referenced by the term is marketed and used in trade in the territory of that Party.

Right of use of geographical indications

1. A name protected under this Sub-section may be used by any operator marketing a product which conforms to the corresponding specification.

2. Once a geographical indication is protected under this Sub-section, the use of such protected name shall not be subject to any registration of users, or further charges.

Article 25.37. Relation between Trademarks and Geographical Indications

1. Parties shall refuse to register a trademark the use of which would contravene Article 25.35 and which relates to a same type of product, provided the application to register the trade mark is submitted after the date of application for protection of the geographical indication in the territory of the Party concerned.

Trademarks registered in breach of the first subparagraph shall be invalidated, ex officio or at the request of an interested party, in accordance with the Law and practices of the Parties.

2. For geographical indications referred to in Article 25.33, the date of submission of the application for protection referred to in paragraph 1 shall be 1 November 2022.

3. For geographical indications referred to in Article 25.34, the date of submission of the application for protection shall be the date of the transmission of a request to the other Party to protect a geographical indication provided the successful conclusion of the process.

4. The Parties shall protect geographical indications also where a prior trade mark exists. A prior trade mark shall mean a trade mark the use of which contravenes Article 25.35, which has been applied for registered or established by use, if that possibility is provided for by the legislation concerned, in good faith in the territory of one Party before the date on which the application for protection of the geographical indication is submitted by the other Party under this Agreement. Prior registered trademarks in âgood faithâ can be continued to be renewed and to be subject to variations that may require the filing of new trademark applications, provided that these variations are not undermining the protection of geographical indications and there are no grounds for invalidation of the trademark under the Parties law.

Article 25.38. Enforcement of Protection

Parties shall enforce the protection provided for in Articles 25.35 to 25.37 by administrative action at the request of an interested party. Additional administrative and judicial steps to prevent or stop the unlawful use of protected geographical indications shall be provided by

the Parties, within their own legal system and practice.

Article 25.39. General Rules

1. A Party shall not be required to protect a name as a geographical indication under this Agreement if that name conflicts with the name of a plant variety or an animal breed and as a result is likely to mislead the consumer as to the true origin of the product.

2. If geographical indications of the Parties are homonymous, protection shall be granted by the other Party to each indication provided there is sufficient distinction in practice between conditions of usage and presentation of the names, so as to not mislead the consumer.

3. Where a Party, in the context of bilateral negotiations with a third party, proposes to protect a geographical indication of that third party which is homonymous with a geographical indication of the other Party, the latter shall be informed and be given the opportunity to comment before that name is protected.

4. Import, export and marketing of products corresponding to the names referred to in Annex If shall be conducted in compliance with the laws and regulations applying in the territory of the Party in which the products are placed on the market.

5. Any matter arising from product specifications of protected geographical indications shall be dealt with in the [Sub-] Committee established in Article 25.40.

6. The geographical indications protected under this Agreement may only be cancelled by the Party in which the product originates.

7. A product specification referred to in this Sub-Section shall be that approved, including any amendments also approved, by the authorities of the Party in the territory from which the product originates.

Article 25.40. [Sub-] Committee, Co-operation and Transparency

Parties agree to set up a [Sub-] Committee consisting of representatives of the European Union and Chile with the purpose of monitoring the development of this Sub-Section and of intensifying their co-operation and dialogue on geographical indications.

The [Sub-] Committee adopts its decisions by consensus. It shall determine its own rules of procedure. It shall meet at the request of either of the Parties, alternatively in the European Union and in Chile, at a time and a place and in a manner (which may include by videoconference) mutually determined by the Parties, but no later than [90] days after the request.

The [Sub-] Committee shall also see to the proper functioning of this Sub-Section and may consider any matter related to its implementation and operation. In particular, it shall be responsible for:

(a) [recommending] to amend Annex I as regards the references to the law applicable in the Parties,

(b) [recommending] to amend Annex II as regards the criteria to be included in the opposition procedure,

(c) [recommending] to modify Annex III as regard to geographical indications,

(d) exchanging information on legislative and policy developments on geographical indications and any other matter of mutual interest in the area of geographical indications,

(e) exchanging information on geographical indications for the purpose of considering their protection in accordance with this Sub-Section.

Parties shall notify each other if a geographical indication listed in Annex III ceases to be protected in the territory of the Party concerned. Following such notification, the [Sub-] Committee shall modify Annex II in accordance with paragraph 3(c) to end the protection under this Agreement.

Only the Party in which the product originates is entitled to request the end of the protection under this Agreement/Sub-Section of a geographical indication listed in Annex IIL

Parties shall notify, determine the nature, and apply of any minor change related to the spelling of a protected GI or the reference to the denomination of the geographical area it is attributable to.

Parties shall, either directly or through the [Sub-Committee], remain in contact directly on all matters relating to the implementation and the functioning of this Sub-Section. In particular, a Party may request from the other Party information relating to product specifications and their amendments, as well as contact points for control provisions.

Parties may make publicly available the product specifications or a summary thereof and contact points for control provisions corresponding to the geographical indications of the other Party protected pursuant to this Sub-Section.

Article 25.41. Other Protection

This Sub-Section shall apply without prejudice to the rights and obligations of the Parties in accordance with the Agreement establishing the World Trade Organisation, or any other multilateral agreement on intellectual property law to which Chile and the European Union are contracting parties.

The provisions of this Sub-section are without prejudice to the right to seek recognition and protection of a geographical indication under the relevant legislation of the Parties.

ANNEX I Legislation of the Parties

1. EUROPEAN UNION

(a) Regulation (EU) No 1151/2012" of the European Parliament and of the Council of 21

November 2012 on quality schemes for agricultural products and foodstuffs and its implementing Acts.

2. CHILE

(a) Law No. 19.039, which establishes rules applicable to industrial privileges and protection of industrial property rights, as last amended by Law No. 21.355, which amends Law No. 19.039, on industrial property, and Law No. 20.254, which establishes the National Institute of Industrial Property.

(b) Supreme Decree No. 236 of the Ministry of Economy, Development and Reconstruction, of August 25, 2005, approving the Regulations of Law No. 19,039, on Industrial Property.

ANNEX II Criteria to be included in the opposition procedure as referred to in Article X.25.33

a. List of name(s) with the corresponding transcription into Latin characters; b. The product type;

c. An invitation:

â in the case of the European Union, to any natural or legal persons except those established or resident in Chile,

â in the case of Chile, to any natural or legal persons except those established or resident in a Member State of the European Union,

16 O) L 343, 14.12.2012, p. 1.

â having a legitimate interest, to submit objections to such protection by lodging a duly substantiated statement;

d. Statements of opposition must reach the European Commission or Chile's Governments within 2 months from the date of publication of the information notice;

e. Statements of opposition shall be admissible only if they are received within the time- limit set out above and if they show that the protection of the name proposed would:

â conflict with the name of a plant variety, including a wine grape variety or an animal breed and as a result is likely to mislead the consumer as to the true origin of the product;

â be a name which misleads the consumer into believing that products come from another territory;

â in the light of a trademark's reputation and renown and the length of time it has been used, be liable to mislead the consumer as to the true identity of the product;

â affect the existence of an entirely or partly identical name, or the existence or distinctiveness of a trademark, or affects products which have been legally in good faith on the market preceding the date of the publication of this notice;

â or if they can give details which indicate that the name, for which protection and registration is considered, is generic.

f. The criteria referred to above shall be evaluated in relation to the territory of the European Union, which in the case of intellectual property rights refers only to the territory or territories where the said rights are protected, and of Chile.

ANNEX II Part A Geographical indications of the European Union as referred to in Article 25.33

Country Designation Name Product Type AUSTRIA STEIRISCHER KREN Fruit, vegetables and cereals

fresh or processed AUSTRIA STEIRISCHES KURBISKERNOL Oils and fats (butter,

margarine, etc.) AUSTRIA TIROLER BERGKASE Cheeses AUSTRIA TIROLER GRAUKASE Cheeses AUSTRIA TIROLER SPECK Meat products (cooked,

salted, smoked, etc.) AUSTRIA VORARLBERGER BERGKASE Cheeses BELGIUM BEURRE D'ARDENNE Oils and fats (butter,

Country

Designation Name

Product Type

margarine, etc.)

BELGIUM FROMAGE DE HERVE Cheeses BELGIUM JAMBON D'ARDENNE Meat products (cooked, salted, smoked, etc.) BELGIUM PATE GAUMAIS Baked meat pastry BELGIUM PLATE DE FLORENVILLE Fruit, vegetables and cereals fresh or processed BULGARIA BbJIFAPCKO PO30BO MACJIO (BULGARSKO | Essential oils ROZOVO MASLO) CYPRUS TAYKO

TPIANTAÂ®YAAO ATPOY Bread, pastry, cakes, confectionery, biscuits and (GLYKO TRIANTAFYLLO AGROU) other bakerâs wares CYPRUS AOYKOYMI TEPOZKHIHOY Bread, pastry, cakes, (LOUKOUMI GEROSKIPOU) confectionary, biscuits and other baker's wares CZECH BUDEJOVICKE PIVO! Beers REPUBLIC CZECH BUDEJOVICKY MESTANSKY VAR# Beers REPUBLIC CZECH CESKE PIVO Beers REPUBLIC CZECH CESKOBUDEJOVICKE PIVO" Beers REPUBLIC CZECH ZATECKY CHMEL*â Hops REPUBLIC GERMANY AACHENER PRINTEN Bread, pastry, cakes, confectionary, biscuits and other baker's wares GERMANY ALLGAUER BERGKASE Cheeses GERMANY ALLGAUER EMMENTALER Cheeses GERMANY BAYERISCHE BREZE / BAYERISCHE BREZN / | Bread, pastry, cakes, BAYERISCHE BREZ'N / BAYERISCHE confectionary, biscuits and BREZEL other baker's wares GERMANY BAYERISCHES BIER Beers GEMANY BREMER BIER Beers GERMANY DORTMUNDER BIER Beers GERMANY DRESDNER CHRISTSTOLLEN / DRESDNER Bread, pastry, cakes, STOLLEN / DRESDNER confectionary, biscuits and WEIHNACHTSSTOLLEN other baker's wares GERMANY HOLSTEINER KATENSCHINKEN / Meat products (cooked, HOLSTEINER SCHINKEN / HOLSTEINER salted, smoked, etc.) KATENRAUCHSCHINKEN / HOLSTEINER KNOCHENSCHINKEN GERMANY HOPFEN AUS DER HALLERTAU* Hops GERMANY KOLSCH Beers GERMANY KULMBACHER BIER Beers GERMANY LUBECKER MARZIPAN Bread, pastry, cakes,

confectionary, biscuits and

Country

Designation Name

Product Type

other baker's wares

GERMANY MUNCHENER BIER Beers GERMANY NURNBERGER BRATWURSTE; Meat products (cooked, NURNBERGER ROSTBRATWURSTE salted, smoked, etc.) GERMANY NURNBERGER LEBKUCHEN Bread, pastry, cakes, confectionary, biscuits and other baker's wares GERMANY SCHWABISCHE SPATZLE / SCHWABISCHE Pasta KNOPFLE GERMANY SCHWARZWALDER SCHINKEN Meat products (cooked, salted, smoked, etc.) GERMANY TETTNANGER HOPFEN Hops GERMANY THURINGER ROSTBRATWURST Meat products (cooked, salted, smoked, etc.) DENMARK DANABLU Cheeses DENMARK ESROM Cheeses GREECE TPABIEPA KPHTH2 (GRAVIERA KRITIS) Cheeses GREECE TPABIEPA NAEOY (GRAVIERA NAXOU) Cheeses GREECE EAIA KAAAMATAZ (ELIA KALAMATAS) Fruit, vegetables and cereals fresh or processed GREECE KAAAMATA (KALAMATA)* Oils and fats (butter, margarine, etc.) GREECE KAZEPI (KASSERD) Cheeses GREECE KEÂ®AAOTPABIEPA (KEFALOGRAVIERA) Cheeses GREECE KOAYMBAPI XANION KPHTH2 Oils and fats (butter, (KOLYMVARI CHANION KRITIS) margarine, etc.) GREECE KONZEPBOAIA POBTON (KONSERVOLIA Fruit, vegetables and cereals ROVION)# fresh or processed GREECE KOPINOIAKH ZTAG@TAA BOXTITIA Fruit, vegetables and cereals (KORINTHIAKI STAFIDA VOSTITSA)*# fresh or processed GREECE KPOKOZ KOZANHZ (KROKOS KOZANIS) Spices GREECE AAKONTA (LAKONIA) Oils and fats (butter, margarine, etc.) GREECE AYTOYPIO AXKAHTIEIOY (LYGOURIO Oils and fats (butter, ASKLIPHOU) margarine, etc.) GREECE MANOYPI (MANOURD Cheeses GREECE MAXTIXA XTOY (MASTICHA CHIOU) Natural gums and resines GREECE TIEZA HPAK AEIOY KPHTH2 (PEZA Oils and fats (butter, IRAKLIOU KRITIS) margarine, etc.) GREECE ZHTEIA AAXIOIOY KPHTHE (SITIA Oils and fats (butter, LASITHIOU KRITIS) margarine, etc.) GREECE @ETA (FETA)* Cheeses GREECE XANIA KPHTHE (CHANIA KRITIS) Oils and fats (butter, margarine, etc.) SPAIN ACEITE DE LA RIOJA Oils and fats (butter,

margarine, etc.)

Country

Designation Name

Product Type

SPAIN ACEITE DE TERRA ALTA ; OLI DE TERRA Oils and fats (butter, ALTA margarine, etc.) SPAIN ACEITE DEL BAIX EBRE-MONTSIA ; OLIDEL | Oils and fats (butter, BAIX EBRE-MONTSIA margarine, etc.) SPAIN ACEITE DEL BAJO ARAGON Oils and fats (butter, margarine, etc.) SPAIN ALFAJOR DE MEDINA SIDONIA Bread, pastry, cakes, confectionery, biscuits and other bakerâs wares SPAIN ANTEQUERA Oils and fats (butter, margarine, etc.) SPAIN AZAFRAN DE LA MANCHA Spices SPAIN BAENA Oils and fats (butter, margarine, etc.) SPAIN CARNE DE VACUNO DEL PAIS Fresh meat (and offal) VASCO/EUSKAL OKELA SPAIN CECINA DE LEON Meat products (cooked, salted, smoked, etc.) SPAIN CHORIZO RIOJANO Meat products (cooked, salted, smoked, etc.) SPAIN CITRICOS VALENCIANOS; CITRICS Fruit, vegetables and cereals VALENCIANS* fresh or processed SPAIN DEHESA DE EXTREMADURA Meat products (cooked, salted, smoked, etc.) SPAN ESTEPA Oils and fats (butter, margarine, etc.) SPAIN GUITJUELO Meat products (cooked, salted, smoked, etc.) SPAIN IDIAZABAL Cheeses SPAIN JABUGO Meat products (cooked, salted, smoked, etc.) SPAIN JAMON DE TREVELEZ Meat products (cooked, salted, smoked, etc.) SPAIN JAMON DE TERUEL/ PALETA DE TERUEL Meat products (cooked, salted, smoked, etc.) SPAIN JIJIONA Bread, pastry, cakes, confectionary, biscuits and other baker's wares SPAIN LES GARRIGUES Oils and fats (butter, margarine, etc.) SPAIN LOS PEDROCHES Meat products (cooked, salted, smoked, etc.) SPAIN MAHON-MENORCA Cheeses SPAIN PIMENTON DE LA

VERA Spices SPAIN PIMENTON DE MURCIA Spices

Country

Designation Name

Product Type

SPAIN POLVORONES DE ESTEPA Bread, pastry, cakes, confectionary, biscuits and other baker's wares

SPAIN PRIEGO DE CORDOBA Oils and fats (butter, margarine, etc.)

SPAIN QUESO MANCHEGO Cheeses

SPAIN QUESO TETILLA / QUEIXO TETILLA Cheeses

SPAIN SALCHICHON DE VIC; LLONGANISSA DE Meat products (cooked,

VIC salted, smoked, etc.)

SPAIN SIDRA DE ASTURIAS ; SIDRA D'ASTURIES Cider

SPAIN SIERRA DE CADIZ Oils and fats (butter, margarine, etc.)

SPAIN SIERRA DE CAZORLA Oils and fats (butter, margarine, etc.)

SPAIN SIERRA DE SEGURA Oils and fats (butter, margarine, etc.)

SPAIN SIERRA MAGINA Oils and fats (butter, margarine, etc.)

SPAIN STURANA Oils and fats (butter, margarine, etc.)

SPAIN SOBRASADA DE MALLORCA Meat products (cooked, salted, smoked, etc.)

SPAIN TERNERA ASTURIANA Fresh meat (and offal)

SPAIN TERNERA DE NAVARRA ; NAFARROAKO Fresh meat (and offal)

ARATXEA

SPAIN TERNERA GALLEGA Fresh meat (and offal)

SPAIN TORTA DEL CASAR Cheese

SPAIN TURRON DE ALICANTE Bread, pastry, cakes, confectionary, biscuits and other baker's wares

SPAIN VINAGRE DE JEREZ Vinegar

FRANCE ABONDANCE Cheeses

FRANCE BANON Cheeses

FRANCE BEAUFORT Cheeses

FRANCE BLEU D'AUVERGNE Cheeses

FRANCE BUF DE CHAROLLES*â¢ Fresh meat (and offal)

FRANCE BRIE DE MEAUX Cheeses

FRANCE BRILLAT-SAVARIN Cheeses

FRANCE CAMEMBERT DE NORMANDIE Cheeses

FRANCE CANARD A FOIE GRAS DU SUD-QUEST Meat products (cooked,

(CHALOSSE, GASCOGNE, GERS, LANDES, salted, smoked, etc.) PERIGORD, QUERCY)

FRANCE CANTAL ; FOURME DE CANTAL ; Cheeses

FRANCE CHABICHOU DU POITOUâ¢ Cheeses

FRANCE CHAOURCE Cheeses

FRANCE COMTE Cheeses

FRANCE CROTTIN DE CHAVIGNOL ; CHAVIGNOLâ¢ Cheeses

Country Designation Name Product Type FRANCE EMMENTAL DE SAVOIE Cheeses FRANCE EPOISSES Cheeses FRANCE FOURME D'AMBERT Cheeses FRANCE GENISSE FLEUR D'AUBRAC*â Fresh meat (and offal) FRANCE GRUYEREâ Cheeses FRANCE HUILE D'OLIVE DE HAUTE-PROVENCE Oils and fats (butter, margarine, etc.) FRANCE HUILE ESSENTIELLE DE LAVANDE DE Essential oils HAUTE-PROVENCE / ESSENCE DE LAVANDE DE HAUTE-PROVENCE FRANCE HUITRES MARENNES OLERON Fresh fish, molluscs, and crustaceans and products derived therefrom FRANCE JAMBON DE BAYONNE Meat products (cooked, salted, smoked, etc.) FRANCE LENTILLE VERTE DU PUY Fruit, vegetables and cereals fresh or processed FRANCE MAROILLES / MAROLLES Cheeses FRANCE MORBIER Cheeses FRANE MUNSTER ; MUNSTER-GEROME Cheeses FRANCE NEUFCHATEL Cheeses FRANCE NOIX DE GRENOBLE Fruit, vegetables and cereals fresh or processed FRANCE PONT-L'EVEQUE Cheeses FRANCE PRUNEAUX D'AGEN ; PRUNEAUX D'AGEN Fruit, vegetables and cereals MI-CUITSâ¢ fresh or processed FRANCE REBLOCHON ; REBLOCHON DE SAVOIE Cheeses FRANCE ROQUEFORT Cheeses FRANCE SAINTE-MAURE DE TOURAINEâ¢ Cheeses FRANCE SAINT-MARCELLIN Cheeses FRANCE SAINT-NECTAIRE Cheeses FRANCE TOMME DE SAVOIE Cheeses FRANCE TOMME DES PYRENEES Cheeses FRANCE VEAU D'AVEYRON ET DU SEGALA Fresh meat (and offal) FRANCE VEAU DU LIMOUSINâ¢# Fresh meat (and offal) FRANCE VOLAILLES DE LOUE Fresh meat (and offal) CROATIA BARANJSKI KULEN Meat products (cooked, salted, smoked, etc.) CROATIA DALMATINSKI PRSUT Meat products (cooked, salted, smoked, etc.) CROATIA / ISTARSKI PRSUT / ISTRSKI PRSUT Meat products (cooked, SLOVENIA salted, smoked, etc.) CROATIA KRCKI PRSUT Meat products (cooked, salted, smoked, etc.) HUNGARY CSABAI KOLBASZ/CSABAI Meat products (cooked, VASTAGKOLBASZ salted, smoked, etc.) HUNGARY GYULAI KOLBASZ/ GYULAI Meat products (cooked, PAROSKOLBASZ salted, smoked, etc.)

Country Designation Name Product Type HUNGARY KALOCSAI FUSZERPAPRIKA-ORLEMENY Spices HUNGARY SZEGEDI FUSZERPAPRIKA- Spices ORLEMENY/SZEGEDI PAPRIKA HUNGARY SZEGEDI SZALAMI ; SZEGEDI TELISZALAMI | Meat products (cooked, salted, smoked, etc.) IRELAND CLARE ISLAND SALMON Fresh fish, molluscs, and crustaceans and products derived therefrom TRELAND IMOKILLY REGATO Cheeses ITALY ACETO BALSAMICO DI MODENA Vinegar ITALY ACETO BALSAMICO TRADIZIONALE DI Vinegar MODENA ITALY APRUTINO PESCARESE Oils and fats (butter, margarine, etc.) ITALY ASIAGO Cheeses ITALY BRESAOLA DELLA VALTELLINA Meat products (cooked, salted, smoked, etc.) ITALY CANTUCCINI TOSCANI / CANTUCCI Bread, pastry, cakes, TOSCANI confectionary, biscuits and other baker's wares ITALY COPPA PIACENTINA Meat products (cooked, salted, smoked, etc.) ITALY COTECHINO MODENA Meat products (cooked, salted, smoked, etc.) ITALY CULATELLO DI ZIBELLO Meat products (cooked, salted, smoked, etc.) ITALY FONTINA Cheeses ITALY GARDA Oils and fats (butter, margarine, etc.) ITALY GORGONZOLA Cheeses ITALY GRANA PADANO Cheeses ITALY MELA ALTO ADIGE ; SUDTIROLER APFEL Fruit, vegetables and cereals fresh or processed ITALY MELA VAL DI NON Fruit, vegetables and cereals fresh or processed ITALY MONTASIO Cheeses ITALY MORTADELLA BOLOGNA Meat products (cooked, salted, smoked, etc.) ITALY MOZZARELLA DI BUFALA CAMPANA Cheeses ITALY PANCETTA PIACENTINA Meat products (cooked, salted, smoked, etc.) ITALY PARMIGIANO REGGIANOâ¢ Cheeses TTALY PASTA DI GRAGNANO Pasta ITALY PECORINO ROMANO Cheeses ITALY PECORINO TOSCANO Cheeses ITALY POMODORO SAN MARZANO DELL'AGRO Fruit, vegetables and cereals SARNESE-NOCERINOâ¢ fresh or processed

Country

Designation Name

Product Type

ITALY PROSCIUTTO DI MODENA Meat products (cooked, salted, smoked, etc.) ITALY PROSCIUTTO DI NORCIA Meat products (cooked, salted, smoked, etc.) ITALY PROSCIUTTO DI PARMA Meat products (cooked, salted, smoked, etc.) ITALY PROSCIUTTO DI SAN DANIELE Meat products (cooked, salted, smoked, etc.) ITALY PROSCIUTTO TOSCANO Meat products (cooked, salted, smoked, etc.) ITALY PROVOLONE VALPADANA Cheeses ITALY RAGUSANO Cheeses ITALY SALAMINIITALIANI ALLA CACCIATORA Meat products (cooked, salted, smoked, etc.) ITALY SPECK ALTO ADIGE / SUDTIROLER Meat products (cooked, MARKENSPECK / SUDTIROLER SPECK salted, smoked, etc.) ITALY TALEGGIO Cheeses ITALY TERRA DI BARI Oils and fats (butter, margarine, etc.) ITALY TOSCANO Oils and fats (butter, margarine, etc.) ITALY VENETO VALPOLICELLA, VENETO EUGANEI | Oils and fats (butter, E BERICI, VENETO DEL GRAPPA margarine, etc.) ITALY VITELLONE BIANCO DELL'APPENNINO Fresh meat (and offal) CENTRALE ITALY ZAMPONE MODENA Meat products (cooked, salted, smoked, etc.) NETHERLANDS | EDAM HOLLAND Cheeses NETHERLANDS | GOUDA HOLLAND Cheeses POLAND JABLKO GROJECKIE Fruit, vegetables and cereals fresh or processed PORTUGAL AZEITE DE MOURA Oils and fats (butter, margarine, etc.) PORTGAL AZEITE DO ALENTEJO INTERIOR Oils and fats (butter, margarine, etc.) PORTUGAL AZEITES DA BEIRA INTERIOR (AZEITE DA Oils and fats

(butter, BEIRA ALTA, AZEITE DA BEIRA BAIXA) margarine, etc.) PORTUGAL AZEITE DE TRAS-OS-MONTES Oils and fats (butter, margarine, etc.) PORTUGAL AZEITES DO NORTE ALENTEJANO Oils and fats (butter, margarine, etc.) PORTUGAL AZEITES DO RIBATEJO Oils and fats (butter, margarine, etc.) PORTUGAL CHOURICA DE CARNE DE VINHAIS ; Meat products (cooked, LINGUICA DE VINHAIS salted, smoked, etc.) PORTUGAL CHOURICO DE PORTALEGRE Meat products (cooked, salted, smoked, etc.) PORTUGAL PERA ROCHA DO OESTEâ¢ Fruit, vegetables and cereals

fresh or processed

Country

Designation Name

Product Type

PORTUGAL PRESUNTO DE BARRANCOS /PALETA DE Meat products (cooked, BARRANCOS salted, smoked, etc.) PORTUGAL QUEDO S. JORGEâ¢ Cheeses PORTUGAL QUEIJO SERRA DA ESTRELA Cheeses PORTUGAL QUEIJOS DA BEIRA BAIXA (QUEIJO DE Cheeses CASTELO BRANCO, QUEIJO AMARELO DA BEIRA BAIXA, QUEIJO PICANTE DA BEIRA BAIXA) ROMANIA MAGIUN DE PRUNE TOPOLOVENI Fruit, vegetables and cereals fresh or processed ROMANIA SALAM DE SIBIU Meat products (cooked, salted, smoked, etc.) ROMANIA TELEMEA DE IBANESTI Cheeses SLOVENIA KRANJSKA KLOBASA Meat products (cooked, salted, smoked, etc.) SLOVENIA KRASKA PANCETA Meat products (cooked, salted, smoked, etc.) SLOVENIA KRASKI PRSUT Meat products (cooked, salted, smoked, etc.) SLOVENIA KRASKI ZASINK Meat products (cooked, salted, smoked, etc.) Part B Geographical indications of Chile as referred to in Article 25.33 Country Designation Name Product Type CHILE SAL DE CAHUIL - BOYERUCA LO VALDIVIA | Salt CHILE PROSCIUTTO DE CAPITAN PASTENE Cured ham CHILE LIMON DE PICA Lemons CHILE LANGOSTA DE JUAN FERNANDEZ Lobsters CHILE ATUN DE ISLA DE PASCUA Tuna â Fish/Fish fillets/Live fish CHILE CANGREJO DORADO DE JUAN FERNANDEZ _| Crab â Live/Not live CHILE CORDERO CHILOTE Lamb meat CHILE DULCES DE LA LIGUA Pastries CHILE MAIZ LLUTENO Corn CHILE SANDIA DE PAINE Watermelon CHILE ACEITUNAS DE AZAPA Preserved/Fresh olives CHILE OREGANO DE LA PRECORDILLERA DE OrÃ©gano PUTRE CHILE TOMATE ANGOLINO Tomatoes

Country Designation Name Product Type CHILE DULCES DE CURACAVI Pastries CHILE ACEITE DE OLIVA DEL VALLE DEL HUASCO | Olive oil CHILE PUERRO AZUL DE MAQUEHUE Leeks CHILE SIDRA DE PUNUCAPA Cider CHILE CHICHA DE CURACAVI Fermented Beverage Appendix to ANNEX III referred to in Article 25.35 paragraph 6 For EU GIs listed:

As regards the list of geographical indications of the European Union set out in Part A of Annex III, the protection provided in accordance with Article 25.35 of the Agreement is not sought in respect of the following individual terms, which are part of a compound geographical indication name:

âaceiteâ,âAceto balsamicoâ, âtradizionaleâ, âacetoâ, âalfajorâ; âalla cacciatoraâ, âamareloâ âApfelâ âazafranâ, âazeiteâ,âazeitesâ, âBayrischeâ, âBergkdseâ, âbeurreâ, âBierâ, âbleuâ âboeufâ, âBratwiirsteâ, âBresaolaâ; âBreze "; âBreanâ; "Brez'nâ; âBrezelâ; âbrieâ, âcamembertâ, âCanard a foie grasâ ; âcantucciâ; âcantucciniâ, âcarneâ, âcarne de vacunoâ âcecina chmelâ âchorizoâ, "chouriga de carne""chourico" âChriststollenâ, âcitricosââ, âcitriesâ, âcoppaâ, âcotechinoâ; âculatelloâ; âdehesaâ, âedamâ, âemmentalâ, âEmmentalerâ, âEdd (Elia)â; âEssence de lavandeâ;âfromageâ, ââfuszerpaprika-6rlemÃ©nâ, ,,gÃ©nisseâ, âTAvkod Tpiavtagvddoâ (Glyko Triantafyllo); âgoudaâ, âGraukdseâ, âgravieraâ; âHopfenâ, âhuile doliveâ, âhuile essentielle de lavandeâ,"huitresâ, âislandâ, âjabikoâ, âjambonâ, âKatenrauchschinkenâ, âKatenschinkenâ, âklobasaâ, ââKnochenschinkenâ, âKnÃ©pfleâ, âkolbaszâ, âKrenâ, âKpoxocâ (Krokos); âkulenâ, âKiirbiskernÃ©lâ, âLebkuchenâ, âlentilleâ, âlentille verteâ, âlinguigaâ, âllonganissaâ, âAovxotbytâ (Loukoumi); âmagiun de pruneâ âMarkenspeckâ, âMarzipanâ, âmelaâ, âmortadellaâ, âmozzarellaâ, âmozzarella di

â ânye 0&6, 2

bufalaâ; ânoixâ, âoliâ, âpaletaâ; pancetaâ. âpancettaâ, âpaprikaâ, âparoskolbaszâ,

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âpastaâ, âpateâ, â âpecorinoâ, "pÃ©raâ, âpimentonâ;âpicanteâ;âpivoâ, âplateâ; âpolvoronesâ, âpomodoroâ, âpresuntoâ, "prosciuttoâ, "provolone", "pruneaux mi- cuitsâ, âpruneauxâ, âpriegoâ, _Printenâ, "prsut", âpruneâ, âqueijoâ, âqueijosâ, "queixoâ,

âquesoâ, âpoz06o macnoâ (rozovo masilo), âRostbratwurstâ, âsalamâ, âsalaminiâ, âsalchichoÃ©nâ, âsalmonâ, âSchinckenâ, âsidraâ, âsierraâ, âsobrasadaâ, âSpdtzleâ,

eckâ âSrapioaâ (Stafida); âStollenâ: âs ââszalami", âtelemeaâ, âTÃ©liszalamiâââ; ââterneraâ, â âterraâ, âtommeâ, âtortaâ, "turron", âvastagkolbaszâ, âvarâ, âveauââ, âvinagreâ, âvitellone biancoâ

â6,

âvolaillesâ,, Weihnachtsstollenâ, âzamponeââ; âzasinkâââ.

For CHILE GIs listed:

As regards the list of geographical indications of Chile set out in Part B of Annex III, the protection provided in accordance with Article 25.35 of the Agreement is not sought in respect of the following individual terms, which are part of a compound geographical indication name:

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âaceiteâ; âaceitunasâ; âatunâ; âcangrejoâ;âchichaâ; âcorderoââ, âdulcesââ; âislaâ; âlangostaâ

âlimonâ, âmaizâ; âoreganoâ; âprosciuttoâ; âpuerroâ; âsalâ ; âsandiaâ; âsidraâ âtomateâ.

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â Protection of the geographical indication âBud&jovickÃ© pivoâ is only sought in Czech language.

i Protection of the geographical indication âBudÃ©jovicky mÃ©itansky varâ is only sought in Czech language.

ii Protection of the geographical indication âCeskobudÃ©jovickÃ© pivoâ is only sought in Czech language.

â The varietal name "saazâ may continue to be used on similar product, provided that these products are not commercialized using references (graphics, names, pictures, flags) to the genuine origin of the geographical indication or exploiting the reputation of the geographical indication and the consumer is not misled on the nature of such term or the precise origin of product or constitutes an act of unfair competition with regard to the geographical indication.

Y The varietal name âhallertauâ may continue to be used on similar product, provided that these products are not commercialized using references (graphics, names, pictures, flags) to the genuine origin of the geographical indication or exploiting the reputation of the geographical indication and the consumer is not misled on the nature of such term or the precise origin of product or constitutes an act of unfair competition with regard to the geographical indication.â

%t The varietal name âkalamonâ may continue to be used on similar product, provided that these products are not commercialized using references (graphics, names, pictures, flags) to the genuine origin of the geographical indication or exploiting the reputation of the geographical indication and the consumer is not misled on the nature of such term or the precise origin of product or constitutes an act of unfair competition with regard to the geographical indication.

vi The varietal name âkonservoliaâ may continue to be used on similar product, provided that these products are not commercialized using references (graphics, names, pictures, flags) to the genuine origin of the geographical indication or exploiting the reputation of the geographical indication and the consumer is not misled on the nature of such term or the precise origin of product or constitutes an act of unfair competition with regard to the geographical indication.

vii The varietal name âpasa de corintoâ may continue to be used on similar product, provided that these products are not commercialized using references (graphics, names, pictures, flags) to the genuine origin of the geographical indication or exploiting the reputation of the geographical indication and the consumer is not misled on the nature of such term or the precise origin of product or constitutes an act of unfair competition with regard to the geographical indication.

* The protection of the geographical indication âÂ®Ã©ca (Feta)â shall not prevent the continued and similar use of the term âFetaâ by any persons, including their successors and assignees, for a maximum of 6 years from the entry into force of this Agreement, provided that at the entry into force of this Agreement they have used that geographical indication in a continuous manner with regard to the same or similar goods in the territory of Chile. During those years, the use of the term âFetaâ must be accompanied with a legible and visible indication of the geographical origin of the product concerned.

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The varietal name âValenciaâ may continue to be used on similar product, provided that these products are not commercialized using references (graphics, names, pictures, flags) to the genuine origin of the geographical indication or exploiting the reputation of the geographical indication and the consumer is not misled on the nature of such term or the precise origin of product or constitutes an act of unfair competition with regard to the geographical indication.

Â«1 Notwithstanding the protection of the geographical indication âBaeuf de Charollesâ in the territory of Chile, shall not prevent users of the term âCharolesaâ, indicating a product derived from the animal breed, to continue using these terms, provided these products are not commercialized using references (graphics, names, pictures, flags) to the genuine origin of the geographical indication or exploiting the reputation of the geographical indication, and provided the usage of the name of the animal breed name does not mislead the consumers or constitutes an act of unfair competition with regard to the

geographical indication.

xii Protection is only sought for the compound term. xii Protection is only sought for the compound term.

xv Notwithstanding the protection of the geographical indication âGÃ©nisse Fleur d'Aubracâ shall not prevent users of the term and âAubracâ in the territory of Chile, indicating a product derived from the animal breed to continue using these terms, provided these products are not commercialized using references (graphics, names, pictures, flags) to the genuine origin of the geographical indication or exploiting the reputation of the geographical indication, and provided the usage of the name of the animal breed name does not mislead the consumers or constitutes unfair competition with regard to the geographical indication.

** The protection of the geographical indication â GruyÃ©reâ shall not prevent prior users*, of the term â GruyÃ©re /Gruyereâ in the territory or Chile, which had been using this term in good faith and with recurrent presence on the market within 12 months before the conclusion in principle of this agreement, to continue using that term, provided these products are not commercialized using references (eg graphics, names, pictures, flags) to the genuine origin of âGruyÃ©reâ and are differentiated from âGruyÃ©reâ in a non-ambiguous manner as regards the origin and provided the term is displayed in a font character substantially smaller, while readable, than the brand name and is differentiated from it in a non-ambiguous manner as regards the origin of the product. The designation "GruyÃ©re" refers, within the EU territory, to two homonymous geographical indications, respectively in respect of a Swiss and a French cheese. The EU will not oppose a possible application aiming at the protection of the said Swiss homonymous geographical indication in Chile.

* List of prior users to be included in a separate Annex before signature of the Agreement

xl The name "dâAgen" may continue to be used as a variety for fresh plums and plum-trees, provided that these products are not commercialized using references (eg graphics, names, pictures, flags) to the genuine origin of the geographical indication or exploiting the reputation of the geographical indication and provided the consumer is not misled on the nature of such term or the precise origin of the product or constitutes an act of unfair competition with regard to the geographical indication.

xvii Protection is only sought for the compound term.

xvill_ Notwithstanding the protection of the geographical indication âVeau du Limousinâ shall not prevent users of the term âLimousinâ in the territory of Chile, indicating a product derived from the animal breed to continue using these terms, provided these products are not commercialized using references (graphics, names, pictures, flags) to the genuine origin of the geographical indication or exploiting the reputation of the geographical indication, and provided the usage of the name of the animal breed name does not mislead the consumers or constitutes an act of unfair competition with regard to the geographical indication.

xx The protection of the geographical indication âParmigiano Reggianoâ shall not prevent prior users* of the term âParmesanoâ in the territory or Chile, having used this term in good faith and with

recurrent presence on the market within 12 months before the conclusion in principle of this agreement to continue using that term, provided these products are not commercialized using references (eg graphics, names, pictures, flags) to the genuine origin of âParmigiano Reggianoâ and are differentiated from âParmigiano Reggianoâ in a non-ambiguous manner as regards the origin and provided the term is displayed in a font character substantially smaller, while readable, than the brand name and is differentiated from it in a non-ambiguous manner as regards the origin of the product.

* List of prior users to be included in a separate Annex before signature of the Agreement

** The varietal name âSan Marzanoâ may continue to be used as a variety for fresh tomatoes and tomato plants, provided that these products are not commercialized using references (graphics, names, pictures, flags) to the genuine origin of the geographical indication or exploiting the reputation of the geographical indication and the consumer is not misled on the nature of such term or the precise origin of product or constitutes an act of unfair competition with regard to the geographical indication.

=I The varietal name âPÃ©ra Rochaâ may continue to be used on similar product, provided that these products are not commercialized using references (graphics, names, pictures, flags) to the genuine origin of the geographical indication or exploiting the reputation of the geographical indication and the consumer is not misled on the nature of such term or the precise origin of product or constitutes an act of unfair competition with regard to the geographical indication.

xii The protection of the term âQueijo S. Jorgeâ shall not restrict the use of the term âSan Jorgeâ in Chile as an existing registered trademark, provided such use does not mislead the consumer about the origin of the product. The term âQueijo S. Jorgeâ should only be used as a compound name, and in combination with an indication of its origin and a brand name.

ANNEX List of Prior Users - Parmesano... - Gruyere/GruyÃ©re...

Sub-Section 5

Patents

Article 25.42. International Agreements

Each Party!â shall comply with the Patent Cooperation Treaty, done at Washington on 19 June 1970, as amended on 28 September 1979, modified on 3 February 1984 and last modified on 3 October 2001.

'7 For the EU, the obligation under this Article is fulfilled through its Member States.

Article 25.43.

Supplementary Protection In Case of Delays in Marketing Approval for Pharmaceutical Products

1. The Parties recognise that pharmaceutical products protected by a patent in their respective territory may be subject to a marketing approval or sanitary permit procedure before being put on the market.

2. A Party shall provide for an adequate and effective mechanism of additional term of protection to compensate the patent owner for the reduction in the effective patent life resulting from unreasonable delays'Â® in the granting of the first marketing approval or sanitary permit in its respective territory. The maximum term of this additional protection shall not exceed five years.

As an alternative to the first sub-paragraph, a Party may provide for further protection, in accordance with its laws and regulations, for a product which is protected by a patent and which has been subject to an administrative authorisation procedure referred to in paragraph 1 to compensate the holder of a patent for the reduction of effective patent protection. The duration of such further protection may not exceed 5 years.!9

3. For greater certainty, in implementing the obligations of this Article, each Party may provide for conditions and limitations, provided that the Party continues to give effect to this Article.

4. Each Party shall make best efforts to process applications for marketing approval or sanitary registration of pharmaceutical products in an efficient and timely manner, with a view to avoiding unreasonable or unnecessary delays. With the objective of avoiding unreasonable delay, a Party may adopt or maintain procedures that expedite the processing of marketing approval or sanitary permit application.

Sub-Section 6

Protection of Undisclosed Information

Article 25.44. Scope of Protection of Trade Secrets

'8 For the purposes of this Article, an unreasonable delay shall include at least a delay of more than two years in the first substantive response to the applicant following the date of filing of the application for marketing approval or the sanitary permit. Any delays that occur in the granting of a marketing approval or sanitary permit due to periods attributable to the applicant or any period that is out of control of the marketing approval or sanitary registration authority need not be included in the determination of such delay.

19 This maximum duration is without prejudice to a possible further extension of the period of protection in the case of medicinal products for which paediatric studies have been carried out, and the results of those studies are reflected in the product information.

In fulfilling its obligation to comply with the TRIPS Agreement, and in particular patagraphs 1 and 2 of Article 39 of the TRIPS Agreement, each Party shall provide for appropriate civil judicial procedures and remedies for any trade secret holder to prevent, and obtain redress for, the acquisition, use or disclosure of a trade secret whenever carried out in a manner contrary to honest commercial practices.

For the purpose of this subsection:

(a) âtrade secretâ means information that:

@ is secret in the sense that it is not, as a body or in the precise configuration and assembly of its components, generally

known among or readily accessible to persons within the circles that normally deal with the kind of information in question;

Gi) has commercial value because it is secret; and

Gii) has been subject to reasonable steps under the circumstances, by the person lawfully in control of the information, to keep it secret.

(b) âtrade secret holderâ means any natural or legal person lawfully controlling a trade secret.

For the purpose of this subsection, at least the following conducts shall be considered contrary to honest commercial practices:

(a) the acquisition of a trade secret without the consent of the trade secret holder, whenever carried out by unauthorised access to, appropriation of, or copying of any documents, objects, materials, substances or electronic files, lawfully under the control of the trade secret holder, containing the trade secret or from which the trade secret can be deduced:

(b) the use or disclosure of a trade secret whenever carried out, without the consent of the trade secret holder, by a person who is found to meet any of the following conditions:

@ having acquired the trade secret in a manner referred to in point (a);

Gi) â_ being in breach of a confidentiality agreement or any other duty not to disclose the trade secret; or

Gii) being in breach of a contractual or any other duty to limit the use of the trade secret.

(c) the acquisition, use or disclosure of a trade secret whenever carried out by a person who, at the time of the acquisition, use or disclosure, knew or ought, under the circumstances, to have known that the trade secret had been obtained directly or indirectly from another person who was using or disclosing the trade secret unlawfully within the meaning of point (b).

Nothing in this subsection shall be understood as requiring any Party to consider any of the following conducts as contrary to honest commercial practices:

(a) independent discovery or creation by a person of the relevant information;

(b) reverse engineering of a product by a person who is lawfully in possession of it and who is free from any legally valid duty to limit the acquisition of the relevant information;

(c) acquisition, use or disclosure of information required or allowed by the relevant domestic law;

(d) use by employees of their experience and skills honestly acquired in the normal course of their employment.

Nothing in this subsection shall be understood as restricting freedom of expression and information, including media freedom, as protected in the jurisdiction of each of the Parties.

Article 25.45. Civil Judicial Procedures and Remedies of Trade Secrets

Each party shall ensure that any person participating in the civil judicial proceedings referred to in Article 25.44 (scope of protection of trade secrets) or who has access to documents which form part of those legal proceedings, is not permitted to use or disclose any trade secret or alleged trade secret which the competent judicial authorities have, in response to a duly reasoned application by an interested party, identified as confidential and of which they have become aware as a result of such participation or access.

In the civil judicial proceedings referred to in Article 25.44 (scope of protection of

trade secrets), each Party shall provide that its judicial authorities have the authority at least to:

(a) order provisional measures, as set out in the respective domestic laws and regulations, to prevent the acquisition, use or disclosure of the trade secret in a manner contrary to honest commercial practices;

(b) order injunctive relief to prevent the acquisition, use or disclosure of the trade secret in a manner contrary to honest commercial practices;

(c) order the person that knew or ought to have known that he, she or it was acquiring, using or disclosing a trade secret in a manner contrary to honest commercial practices to pay the trade secret holder damages appropriate to the actual prejudice suffered as a result of such acquisition, use or disclosure of the trade secret;

(d) take specific measures to preserve the confidentiality of any trade secret or alleged trade secret produced in civil proceedings relating to the alleged acquisition, use and disclosure of a trade secret in a manner contrary to honest commercial practices. Such specific measures may include, in accordance with their respective domestic law, the possibility of restricting access to certain documents in whole or in part; of restricting access to hearings and their corresponding records or transcript; and of making available a non-confidential version of judicial decision in which the passages containing trade secrets have been removed or redacted.

(e) impose sanctions on parties, or other persons subject to the courtâs jurisdiction for violation of judicial orders concerning the protection of a trade secret or alleged trade secret produced in that proceedings.

Each Party shall not be required to provide for the judicial procedures and remedies referred to in Article 25.44 (scope of protection of trade secrets) when the conduct contrary to honest commercial practices is carried out, in accordance with their relevant domestic law, to reveal misconduct, wrongdoing or illegal activity or for the purpose of protecting a legitimate interest recognised by law.

Article 25.46. Protection of Undisclosed Data Related to Pharmaceutical Products

1. If a Party requires, as a condition for a marketing approval or sanitary permit of a pharmaceutical product, which utilises a new chemical entity that has not been previously approved, the submission of undisclosed test or other data necessary to determine whether the use of that product is safe and effective, the Party shall protect such data against disclosure to third parties, if the origination of such data involves considerable effort, except where the disclosure is necessary for an overriding public interest or unless steps are taken to ensure that the data are protected against unfair commercial use.

2. Each Party shall ensure that for at least 5 years from the date of a first marketing approval or sanitary permit in the Party concerned, a pharmaceutical product subsequently authorised on the basis of the results of pre-clinical tests and clinical trials submitted in the application for the first marketing authorisation shall not be placed on the market without the explicit consent of the holder of the first marketing authorisation.

3. There shall be no limitation on either Party to implement abbreviated authorisation procedures for such products on the basis of bioequivalence and bioavailability studies. 4. For greater certainty, in implementing the obligations of this Article, each Party may provide for conditions and limitations, provided that the Party continues to give effect to this Article.

Article 25.47. Protection of Data Related to Agrochemical Products

1. If a Party requires, as a condition for granting marketing authorisation for an agrochemical product which utilizes a new chemical entity, the submission of test and study reports concerning the safety and efficacy of the product, that Party shall not grant the authorisation for another product on the basis of that information without the consent of the person that previously submitted such test and study reports for at least ten years from the date of the marketing authorisation of the agrochemical product.

A Party may limit the protection under this Article to tests or study reports that fulfil the following conditions:

(a) be necessary for the authorisation or for an amendment of an authorisation in order to allow the use on other crops; and

(b) be certified as compliant with the principles of good laboratory practice or of good experimental practice.

2. Each Party may establish rules to avoid duplicative testing on vertebrate animals. 3. For greater certainty, in implementing the obligations of this Article, each Party may

provide for conditions and limitations, provided that the Party continues to give effect to this Article.

Sub-Section 7

Plant Varieties

Article 25.48.

The Parties shall protect plant varieties rights, in accordance with the International Convention for the Protection of New Varieties of Plants (UPOV) as lastly revised in Geneva on March 19, 1991, (the so-called "1991 UPOV ACT") including the exceptions to the breeder's right as referred to in Article 15 of the said Convention, and co-operate to promote and enforce these rights.

Section 3. Enforcement of Intellectual Property RightsSub-Section 1

Civil and administrative enforcement

Article 25.49. General Obligations

1. Each Party reaffirm its commitments under the TRIPS Agreement and shall ensure the enforcement of intellectual property rights in accordance with its domestic law and within its own legal system and practice. The Parties shall provide for the following complementary measures, procedures and remedies.

This Section shall not apply to the rights covered by Sub-Section 6 of Section 2.

2. Those measures, procedures and remedies shall be fair and equitable, and shall not be unnecessarily complicated or costly, or entail unreasonable time-limits or unwarranted delays.

Those measures and remedies shall also be effective, proportionate and dissuasive and shall be applied in such a manner as to avoid the creation of barriers to legitimate trade and to provide for safeguards against their abuse.

1. Nothing in this Chapter creates any obligation on either Party:

(a) to put in place a judicial system for the enforcement of intellectual property rights distinct from that for the enforcement of law in general; or

(b) with respect to the distribution of resources as between enforcement of intellectual property rights and the enforcement of law in general.

Article 25.50. Persons Entitled to Apply for the Application of the Measures, Procedures and Remedies

Each Party shall recognise as persons entitled to seek application of the measures, procedures and remedies referred to in this section and in Part II of the TRIPS Agreement:

(a) the holders of intellectual property rights in accordance with the provisions of each Partyâs law,

(b) all other persons authorised to use those rights, in particular licensees, in so far as permitted by and in accordance with the provisions of each Partyâs law,

(c) intellectual property collective rights management bodies which are regularly

recognised as having a right to represent holders of intellectual property rights, in so far as permitted by and in accordance with the provisions of each Partyâs law,

(d) entitiesâ? which are regularly recognised as having a right to represent holders of intellectual property rights, in so far as permitted by and in accordance with the provisions of the applicable law.

Article 25.51. Evidence

1. Each Party shall provide that, even before the commencement of proceedings on the merits of the case, the competent judicial authorities may, on application by a party who has presented reasonably available evidence to support his claims that his intellectual property right has been infringed or is about to be infringed, order prompt and effective provisional measures to preserve relevant evidence in respect of the alleged infringement, subject to the protection of confidential information as provided under each Partyâs law. In ordering provisional measures, the judicial authorities shall take into account the legitimate interests of the alleged infringer.

2. Such measures may include the detailed description, with or without the taking of samples, or the physical seizure of the alleged infringing goods, and, in appropriate cases, the materials and implements mainly used in the production and/or distribution of these goods and the documents relating thereto.

3. Each Party shall take the measures necessary, in cases of infringement of an intellectual property right committed on a commercial scale, to enable the competent judicial authorities to order, where appropriate, on application by a party, the

communication of

20 For Chile, the term âentitiesâ means âfederations and associationsâ. For the EU, the term âentitiesâ means âprofessional defence bodiesâ.

banking, financial or commercial documents under the control of the opposing party, subject to the protection of confidential information.

1.

(a)

Article 25.52. Right of Information

Each Party shall ensure that, during civil proceedings concerning an infringement of an intellectual property right and in response to a justified and proportionate request of the claimant, the competent judicial authorities may order the infringer and/or any other person to provide information on the origin and distribution networks of the goods or services which infringe an intellectual property right.

âAny other personâ in this paragraph means at least a person who:

@ (ii) iii)

(iv)

was found in possession of the infringing goods on a commercial scale; was found to be using the infringing services on a commercial scale;

was found to be providing on a commercial scale services used in infringing activities; or

was indicated by the person referred to in this subparagraph as being involved in the production, manufacture or distribution of the goods or the provision of the services.

(b) Information may, as appropriate, comprise:

@

(ii)

the names and addresses of the producers, manufacturers, distributors, suppliers and other previous holders of the goods or services, as well as the intended wholesalers and retailers; or

information on the quantities produced, manufactured, delivered, received or ordered, as well as the price obtained for the goods or services in question.

2. This Article shall apply without prejudice to other statutory provisions which:

(a)

grant the right holder rights to receive fuller information;

(b) govern the use in civil proceedings of the information communicated pursuant to this Article;

(c) govern responsibility for misuse of the right of information;

(d) afford an opportunity for refusing to provide information which would force the person referred to in paragraph 1 to admit his own participation or that of his close relatives in an infringement of an intellectual property right;

(e) govern the protection of confidentiality of information sources or the processing of personal data.

Article 25.53. Provisional and Precautionary Measures

1. Each Party shall ensure that the judicial authorities may, at the request of the applicant, issue against the alleged infringer an interlocutory injunction intended to prevent any imminent infringement of an intellectual property right, or to forbid, on a provisional basis and subject, where appropriate, to a recurring penalty payment where provided for by domestic law, the continuation of the alleged infringements of that right, or to make such continuation subject to the lodging of guarantees

intended to ensure the compensation of the right holder. An interlocutory injunction may also be issued, under the same conditions, where appropriate, against a third partyâ! over whom the relevant judicial authority exercises jurisdiction and whose services are used to infringe an intellectual property right.

2. Each Party shall ensure that its judicial authorities may, at the request of the applicant, order the seizure or the delivery upâ of goods suspected of infringing an intellectual property right, so as to prevent their entry into or movement within the channels of commerce.

3. In the case of an alleged infringement committed on a commercial scale, each Party shall ensure that, if the applicant demonstrates circumstances likely to endanger the recovery of damages, the judicial authorities may order the precautionary seizure of the movable and immovable property of the alleged infringer, including the blocking of his/her bank accounts and other assets. To that end, the competent authorities may order the communication of bank, financial or commercial documents, or appropriate access to the relevant information.

Article 25.54.

21 For the purpose of this Article, a Party may provide that a âthird partyâ includes an intermediary. 2 A Party may choose between seizure and delivery up to implement this paragraph.

Remedies

1. Each Party shall ensure that the judicial authorities have the authority to order, at the request of the applicant and without prejudice to any damages due to the right holder by reason of the infringement, and without compensation of any sort, the destruction or at least the definitive removal from the channels of commerce, of goods that they have found to be infringing an intellectual property right. If appropriate, the judicial authorities may also order destruction of materials and implements predominantly used in the creation or manufacture of those goods.

2. Each Party's judicial authorities shall have the authority to order that those measures shall be carried out at the expense of the infringer, unless particular reasons are invoked for not doing so.

3. In considering a request for remedies the need for proportionality between the seriousness of the infringement and the remedies ordered as well as the interests of third parties shall be taken into account.

Article 25.55. Injunctions

Each Party shall ensure that, where a judicial decision is taken finding an infringement of an intellectual property right, the judicial authorities may issue against the infringer as well as, where appropriate, against a third partyâ over whom the relevant judicial authority exercises jurisdiction and whose services are used to infringe an intellectual property right, an injunction aimed at prohibiting the continuation of the infringement.

Article 25.56. Alternative Measures

Each Party may provide that the judicial authorities, in appropriate cases and at the request of the person liable to be subject to the measures provided for in Article 25.54 (Remedies) and/or Article 25.55 (Injunctions), may order pecuniary compensation to be paid to the injured party instead of applying the measures provided for in these two Articles if that person acted unintentionally and without negligence, if execution of the measures in question would cause him disproportionate harm and if pecuniary compensation to the injured party appears reasonably satisfactory.

Article 25.57. Damages

1. Each Party shall ensure that the judicial authorities, on application of the injured party, order the infringer who knowingly, or with reasonable grounds to know, engaged in an infringing activity, to pay the right-holder damages adequate to compensate for the injury the rightholder has suffered as a result of the infringement.

23 For the purpose of this Article, a Party may provide that a âthird partyâ includes an intermediary.

In determining the amount of damages under paragraph 1, each Partyâs judicial authorities shall have the authority to consider, among other things, any legitimate measure of value the right holder submits, which may include lost profits, the value of the infringed goods or services measured by the market price, or the suggested retail price. At least in cases of copyright or related rights infringement and trademark counterfeiting, each Party shall provide that, in civil judicial proceedings, its judicial authorities have the authority to order the infringer, to pay the right holder the infringerâs profits

that are attributable to the infringement, whether as an alternative to or in addition to or as part of the damages.

3. As an alternative to paragraph 2, each Party may provide that its judicial authorities have the authority, in appropriate cases, to set the damages as a lump sum on the basis of elements such as at least the amount of royalties or fees which would have been due if the infringer had requested authorization to use the intellectual property right in question.

4. Nothing in this Article precludes either Party from providing that where the infringer did not knowingly, or with reasonable grounds to know, engage in infringing activity, its judicial authorities may order in favour of the injured party the recovery of profits or the payment of damages which may be pre-established.

Article 25.58. Legal Costs

Each Party shall provide that its judicial authorities, where appropriate, have the authority to order, at the conclusion of civil judicial proceedings concerning the enforcement of intellectual property rights, that the prevailing party be awarded payment by the losing party of legal costs and other expenses, as provided for under that Party's law.

Article 25.59. Publication of Judicial Decisions

Each Party shall ensure that, in legal proceedings instituted for infringement of an intellectual property right, the judicial authorities may order, at the request of the applicant and at the expense of the infringer, appropriate measures for the dissemination of the information concerning the decision, including displaying the decision and publishing it in full or in part.

Tn the case of the EU, this would also include, in appropriate cases, elements other tan economic factors such as the moral prejudice caused to the rightholder by the infringement.

Article 25.60. Presumption of Authorship or Ownership

The Parties shall recognise that for the purposes of applying the measures, procedures and remedies provided for in this Section 3

(a) for the author of a literary or artistic work, in the absence of proof to the contrary, to be regarded as such, and consequently to be entitled to institute infringement proceedings, it shall be sufficient for his/her name to appear on the work in the usual manner;

(b) the provision under (a) shall apply mutatis mutandis to the holders of rights related to copyright with regard to their protected subject matter.

Article 25.61. Administrative Procedures

To the extent that any civil remedy can be ordered as a result of administrative procedures on the merits of a case, such procedures shall conform to principles equivalent in substance to those set forth in the relevant provisions of this section.

Sub-Section 2

Border enforcement

Article 25.62. Border Measures

1. With respect to goods under customs control, each Party shall adopt or maintain procedures under which a right holder may submit applications requesting competent authorities to suspend the release or detain âsuspected goodsâ. For the purposes of this Sub- Section, âsuspected goodsâ means goods suspected of infringing trademarks, copyrights and related rights, geographical indications, patents, utility models, industrial designs and topographies of integrated circuits.

2. Each Party shall have in place electronic systems for the management by competent authorities of the applications granted or recorded.

3. Competent authorities shall not charge a fee to cover the administrative costs resulting from the processing of an application or a recordation.

4. Competent authorities should decide about granting or recording application within a reasonable period of time.

5. Each Party shall provide for such application/recordation to apply to multiple shipments.

6. With respect to goods under customs control, each Party shall ensure that its customs authorities may act upon their own initiative to suspend the release of or detain goods suspected of infringing trademarks or copyright.

7. Customs authorities shall use risk analysis to identify goods suspected of infringing intellectual property rights. The parties shall implement this provision according to their legal systems.

8. Each Party may have in place procedures allowing for the destruction of goods suspected of infringing intellectual property rights, without there being any need to prior administrative or judicial proceedings for the formal determination of the infringements, where the persons concerned agree or do not oppose to the destruction. In case such goods are not destroyed, each Party shall ensure that, except in exceptional circumstances, such goods are disposed of outside the commercial channel in such a manner to avoid any harm to the right holder.

9. Each Party may have in place procedures allowing for the swift destruction of counterfeit trademark and pirated goods sent in postal or express couriers consignments.

10. Each Party may decide not to apply this Article to import of goods put on the market in another country by or with the consent of the right holders. A Party may exclude from the application of this Article goods of a non-commercial nature contained in travellersâ personal

luggage.

11. The Customs authorities of each Party shall maintain a regular dialogue and promote cooperation with the relevant stakeholders and with other authorities involved in the enforcement of intellectual property rights.

12. The Parties shall cooperate in respect of international trade in suspected goods. In particular, the Parties shall, as far as possible, share information on trade in suspected goods affecting the other Party.

13. Without prejudice to other forms of cooperation, the Protocol on mutual administrative assistance in customs matters applies with regard to breaches of legislation on intellectual property rights for the enforcement of which the customs authorities of a Party are competent in accordance with this Article.

Article 25.63. Consistency with GATT and TRIPS Agreement

In implementing border measures for the enforcement of intellectual property rights by customs, whether or not covered by this Article, the Parties shall ensure consistency with their obligations under the GATT and TRIPS agreements and, in particular, with Article V of GATT agreement, Article 41 and Section 4 of the Part III of TRIPS agreement.

Section 5. Final Provisions

Article 25.64. Modalities of Cooperation

1. The Parties agree to cooperate with a view to supporting implementation of the commitments and obligations undertaken under this Chapter.

2. The Parties shall draw on the following modalities, among others, with respect to cooperation on intellectual property rights protection and enforcement matters. The areas of cooperation include the following activities, but are not limited to:

(a) The exchange of information on the legal framework concerning intellectual property rights and relevant rules of protection and enforcement;

(b)

(c)

(d)

(e)

(f)

(g)

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The exchange of experience between the Parties on legislative progress;

The exchange of experience between the Parties on the enforcement of intellectual property rights;

Exchange of experiences between the Parties on enforcement at central and sub- central level by customs, police, administrative and judiciary bodies;

Coordination to prevent exports of counterfeit goods, including with other countries;

Technical assistance, capacity building; exchange and training of personnel;

The protection and defence of intellectual property rights and the dissemination of information in this regard in, inter alia, business circles and civil society;

Public awareness of consumers and right holders; enhancement of institutional cooperation, particularly between the intellectual property offices;

Actively promoting awareness and education of the general public on policies concerning intellectual property rights;

Regarding public-private collaboration engaging with SMEs, including at SME- focused events or gatherings, regarding protecting and enforcing intellectual property rights and reducing infringement;

Formulation of effective strategies to identify audiences and communication programmes to increase consumer and media awareness on the impact of intellectual property rightsâ violations, including the risk to health and safety and the connection to organised crime.

Each Party may make publicly available the product specifications, or a summary thereof, and relevant contact points for control or management of geographical

indications of the other Party protected pursuant to Sub-Section 4 (Geographical Indications).

4. The Parties shall, either directly or through the Sub-Committee on Intellectual Property established in Article 33.4 (Sub-Committees and Other Bodies), maintain contact on all matters related to the implementation and functioning of this Chapter.

Article 25.65. Voluntary Stakeholder Initiatives

Each Party shall endeavour to facilitate voluntary stakeholder initiatives to reduce intellectual property rights infringement, including over the Internet and in other marketplaces focusing on concrete problems and seeking practical solutions that are realistic, balanced proportionate and fair for all concerned including in the following ways:

(a) each Party shall endeavour to convene stakeholders consensually in its territory to facilitate voluntary initiatives to find solutions and resolve differences regarding the protection and enforcement of intellectual property rights and reducing infringement;

(b) the Parties shall endeavour to exchange information with each other regarding efforts to facilitate voluntary stakeholder initiatives in their respective territories; and

(c) the Parties shall endeavour to promote open dialogue and cooperation among the Partiesâ stakeholders, and to encourage the Partiesâ stakeholders to jointly find solutions and resolve differences regarding the protection and enforcement of intellectual property rights and reducing infringement.

' Protection of the geographical indication âBud@ovickÃ© pivoâ is only sought in Czech language.

i Protection of the geographical indication âBudÃ©jovicky mÃ©stanskp varâ is only sought in Czech language.

ii Protection of the geographical indication âCeskobudÃ©jovickÃ© pivoâ is only sought in Czech language.

â The varietal name "saazâ may continue to be used on similar product, provided that these products are not

commercialized using references (graphics, names, pictures, flags) to the genuine origin of the geographical indication or exploiting the reputation of the geographical indication and the consumer is not misled on the nature of such term or the precise origin of product or constitutes an act of unfair competition with regard to the geographical indication.

Y The varietal name âhallertauâ may continue to be used on similar product, provided that these products are not commercialized using references (graphics, names, pictures, flags) to the genuine origin of the geographical indication or exploiting the reputation of the geographical indication and the consumer is not misled on the nature of such term or the precise origin of product or constitutes an act of unfair competition with regard to the geographical indication.â

âThe varietal name âkalamonâ may continue to be used on similar product, provided that these products are not commercialized using references (graphics, names, pictures, flags) to the genuine origin of the geographical indication or exploiting the reputation of the geographical indication and the consumer is not misled on the nature of such term or the precise origin of product or constitutes an act of unfair competition with regard to the geographical indication.

i The varietal name âkonservoliaâ may continue to be used on similar product, provided that these products are not commercialized using references (graphics, names, pictures, flags) to the genuine origin of the geographical indication or exploiting the reputation of the geographical indication and the consumer is not misled on the nature of such term or the precise origin of product or constitutes an act of unfair competition with regard to the geographical indication.

vil The varietal name âpasa de corintoâ may continue to be used on similar product, provided that these products are not commercialized using references (graphics, names, pictures, flags) to the genuine origin of the geographical indication or exploiting the reputation of the geographical indication and the consumer is not misled on the nature of such term or the precise origin of product or constitutes an act of unfair competition with regard to the geographical indication.

* The protection of the geographical indication âÂ®Ã©ca (Feta)â shall not prevent the continued and similar use of the term âFetaâ by any persons, including their successors and assignees, for a maximum of 6 years from the entry into force of this Agreement, provided that at the entry into force of this Agreement they have used that geographical indication in a continuous manner with regard to the same or similar goods in the territory of Chile. During those years, the use of the term âFetaâ must be accompanied with a legible and visible indication of the geographical origin of the product concerned.

x

The varietal name âValenciaâ may continue to be used on similar product, provided that these products are not commercialized using references (graphics, names, pictures, flags) to the genuine origin of the geographical indication or exploiting the reputation of the geographical indication and the consumer is not misled on the nature of such term or the precise origin of product or constitutes an act of unfair competition with regard to the geographical indication.

Â«1 Notwithstanding the protection of the geographical indication âBauf de Charollesâ in the territory of Chile, shall not prevent users of the term âCharolesaâ, indicating a product derived from the animal breed, to continue using these terms, provided these products are not commercialized using references (graphics, names, pictures, flags) to the genuine origin of the geographical indication or exploiting the reputation of the geographical indication, and provided the usage of the name of the animal breed name does not mislead the consumers or constitutes an act of unfair competition with regard to the geographical indication.

xi Protection is only sought for the compound term. xil Protection is only sought for the compound term.

âVv Notwithstanding the protection of the geographical indication âGÃ©nisse Fleur d'Aubracâ shall not prevent users of the term and âAubracâ in the territory of Chile, indicating a product derived from the animal breed to continue using these terms, provided these products are not commercialized using references (graphics, names, pictures, flags) to the genuine origin of the geographical indication or exploiting the reputation of the geographical indication, and provided the usage of the name of the

animal breed name does not mislead the consumers or constitutes unfair competition with regard to the geographical indication.

* The protection of the geographical indication â GruyÃ©reâ shall not prevent prior users*, of the term â GruyÃ©re /Gruyereâ in the territory or Chile, which had been using this term in good faith and with recurrent presence on the market within 12 months before the conclusion in principle of this agreement, to continue using that term, provided these products are not commercialized using references (eg graphics, names, pictures, flags) to the genuine origin of âGruyÃ©reâ and are differentiated from âGruyÃ©reâ in a non-ambiguous manner as regards the origin and provided the term is displayed in a font character substantially smaller, while readable, than the brand name and is differentiated from it in a non-ambiguous manner as regards the origin of the product. The designation "GruyÃ©re" refers, within the EU territory, to two homonymous geographical indications, respectively in respect of a Swiss and a French cheese. The EU will not oppose a

possible application aiming at the protection of the said Swiss homonymous geographical indication in Chile.

* List of prior users to be included in a separate Annex before signature of the Agreement

xi The name "dâAgen" may continue to be used as a variety for fresh plums and plum-trees, provided that these products are not commercialized using references (eg graphics, names, pictures, flags) to the genuine origin of the geographical indication or exploiting the reputation of the geographical indication and provided the consumer is not misled on the nature of such term or the precise origin of the product or constitutes an act of unfair competition with regard to the geographical indication.

xvii Protection is only sought for the compound term.

xvill Notwithstanding the protection of the geographical indication âVeau du Limousinâ shall not prevent users of the term âLimousinâ in the territory of Chile, indicating a product derived from the animal breed to continue using these terms, provided these products are not commercialized using references (graphics, names, pictures, flags) to the genuine origin of the geographical indication or exploiting the reputation of the geographical indication, and provided the usage of the name of the animal breed name does not mislead the consumers or constitutes an act of unfair competition with regard to the geographical indication.

âx The protection of the geographical indication âParmigiano Reggianoâ shall not prevent prior users* of the term âParmesanoâ in the territory or Chile, having used this term in good faith and with recurrent presence on the market within 12 months before the conclusion in principle of this agreement to continue using that term, provided these products are not commercialized using references (eg graphics, names, pictures, flags) to the genuine origin of âParmigiano Reggianoâ and are differentiated from âParmigiano Reggianoâ in a non-ambiguous manner as regards the origin and provided the term is displayed in a font character substantially smaller, while readable, than the brand name and is differentiated from it in a non-ambiguous manner as regards the origin of the product.

* List of prior users to be included in a separate Annex before signature of the Agreement

â¢ The varietal name âSan Marzanoâ may continue to be used as a variety for fresh tomatoes and tomato plants, provided that these products are not commercialized using references (graphics, names, pictures, flags) to the genuine origin of the geographical indication or exploiting the reputation of the geographical indication and the consumer is not misled on the nature of such term or the precise origin of product or constitutes an act of unfair competition with regard to the geographical indication.

â¢ The varietal name âPÃ©ra Rochaâ may continue to be used on similar product, provided that these products are not commercialized using references (graphics, names, pictures, flags) to the genuine origin of the geographical indication or exploiting the reputation of the geographical indication and the consumer is not misled on the nature of such term or the precise origin of product or constitutes an act of unfair competition with regard to the geographical indication.

xii The protection of the term âQueijo S. Jorgeâ shall not restrict the use of the term âSan Jorgeâ in Chile as an existing registered trademark, provided such use does not mislead the consumer about the origin of the product. The term âQueijo S. Jorgeâ should only be used as a compound name, and in combination with an indication of its origin and a brand name.

ANNEX List of Prior Users - Parmesano...

- Gruyere/GruyÃ©re...

Chapter 26. TRADE AND SUSTAINABLE DEVELOPMENT

Section 1. Common Provisions

Article 26.1. Objectives

1. The Parties recall the Agenda 21 on Environment and Development of 1992, the Johannesburg Plan of Implementation on Sustainable Development of 2002, the ILO Declaration on Social Justice for a Fair Globalisation of 2008, the Outcome Document of the UN Conference on Sustainable Development of 2012 entitled "The Future We Want" and the UN 2030 Agenda for Sustainable Development of 2015 and its Sustainable Development Goals.

2. The Parties recognise that sustainable development encompasses economic development, social development and environmental protection, all three being inter-dependent and mutually reinforcing, for the welfare of present and future generations.

3. In light of the above, the objective of this Chapter is to enhance the development of the Partiesâ trade and investment relationship in a way that contributes to sustainable development, notably its labour! and environmental dimensionsârelevant to trade and investment.

4. The Parties agree that this Chapter embodies a cooperative approach based on common values and interests.

Article 26.2. Right to Regulate and Levels of Protection

1. The Parties recognise the right of each party to determine its sustainable development policies and priorities, to establish its own levels of domestic labour and environmental protection and its own labour and environmental priorities, and to adopt or modify its law related to labour and environment and policies accordingly.

2. Such levels, law and policies, referred to in paragraph 1, shall be consistent with each Party's commitment to the multilateral environmental agreements and multilateral labour standards and agreements, to which a Party is a party, referred to in this Chapter.

3. Each Party shall strive to ensure that its environmental and labour laws and policies provide for and encourage a high level of environmental and labour protection and shall

! For the purposes of this chapter, the term "labour" means the strategic objectives of the ILO under the Decent Work Agenda, which is expressed in the ILO 2008 Declaration on Social Justice for a Fair Globalisation.

strive to continue improving its respective levels of environmental and labour protection provided in their laws and policies.

4. A Party shall not weaken or reduce the levels of protection afforded in their respective domestic environmental and labour laws in order to encourage trade or investment.

5. A Party shall not waive or otherwise derogate from, or offer to waive or otherwise derogate from, its environmental and labour laws in a manner that weakens or reduces the protection afforded in those laws in order to encourage trade or investment.

6. A Party shall not, through a sustained or recurring course of action or inaction, fail to effectively enforce its environment and labour laws in a manner affecting trade or investment.

7. Each Party retains the right to exercise reasonable discretion and to make bona fide decisions with regard to the allocation of enforcement resources in accordance with priorities for enforcement of its environmental and labour laws.

8. A Party shall not apply its environmental and labour laws and regulations in a manner which would constitute a disguised restriction on trade or investment.

Article 26.3. Trade and Responsible Business Conduct and Supply Chain Management

1. The Parties recognise the importance of responsible management of supply chains through responsible business conduct or corporate social responsibility practices and the role of trade in pursuing this objective.

2. Pursuant to para 1, each Party shall:

(a) promote responsible business conduct or corporate social responsibility by encouraging the uptake of relevant practices by businesses that are consistent with internationally recognized principles, standards and guidelines, including sectorial guidelines of due diligence, that have been endorsed or are supported by that Party.

(b) support the dissemination and use of relevant international instruments, that have been endorsed or are supported by that Party, such as the OECD Guidelines for Multinational Enterprises, the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, the UN Global Compact and the UN Guiding Principles on Business and Human Rights.

3. The Parties recognise the utility of international sector-specific guidelines in the area of corporate social responsibility / responsible business conduct and shall promote joint work in this regard. The Parties shall also implement measures to promote the uptake of OECD Due Diligence Guidelines.

4. The Parties recognise the importance to promote trade in goods contributing to enhanced social conditions and environmentally sound practices, such as environmental goods and services contributing to a resource-efficient, low-carbon economy, goods whose production is not linked to deforestation, or goods that are the subject of voluntary sustainability assurance schemes and mechanisms.

5. The Parties shall exchange information as well as best practices and, as appropriate, cooperate bilaterally, regionally and in international fora on issues covered by this article.

Article 26.4. Scientific and Technical Information

1. When establishing or implementing measures aimed at protecting the environment or labour conditions that may affect trade or investment, each Party shall take into account available scientific and technical evidence, [preferably / in first instance] from recognized technical and scientific bodies, as well as relevant international standards, guidelines or recommendations, where they exist.

2. In cases when scientific evidence or information is insufficient or inconclusive and there is a risk of serious environmental degradation or to occupational health and safety in its territory, a Party may adopt measures based on the precautionary principle. Such measures shall be subject to review when new or additional scientific information becomes available.

3. When a measure adopted in accordance with the above paragraph has an impact on trade or investment between the Parties, a Party may request to the Party adopting the measure to provide information indicating that the measure adopted is consistent with its own level of protection, and may request discussion of the matter in the TSD Sub-Committee.

4. Such measures shall not be applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade.

Article 26.5. Transparency and Good Regulatory Practices

The Parties recognize the importance of application of the rules on transparency and good regulatory practices in accordance with Chapters 28 [Transparency] and 29 [Good Regulatory Practices], in particular the opportunities for interested persons and stakeholders to submit views, to:

a) measures aimed at protecting the environment and labour conditions that may affect trade or investment, and

b) trade or investment measures that may affect the protection of the environment or labour conditions.

Article 26.6. Public Awareness, Information, Participation and Procedural Guarantees

1. Each Party shall promote public awareness of its labour and environmental laws, including by ensuring that its labour and environmental laws and enforcement and compliance procedures are publicly available.

2. Each Party shall seek to accommodate requests for information regarding the Partyâs implementation of this Chapter.

3. Each Party shall make use of consultative mechanisms referred to in {Title 1. Institutional Framework, Article X Participation of civil society, Article X bis Domestic Consultative Groups and Article X ter Civil Society Forum], to seek views on matters related to the implementation of this Chapter.

4. Each Party shall provide for the receipt and give due consideration to communications and opinions by written submissions from a person of that Party on matters related to the implementation of this Chapter in accordance with domestic procedures. Each Party shall respond in a timely manner to such submissions in writing. It may inform the civil society mechanism established under article XX of this Agreement of such communications as well as the Contact Point of the other Party.

5. Pursuant to Article 26.2 Right to Regulate and Levels of Protection, each Party shall, in accordance with its domestic law, ensure that administrative or judicial proceedings are available to persons with a legally recognised interest in a particular matter or who maintain that a right is infringed under its law, in order to permit action against infringements of its environmental or labour laws, including appropriate remedies for violations of such law.

6. Each Party shall, in accordance with its domestic law, ensure that the proceedings referred to in paragraph 5 comply with due process, are not prohibitively costly, do not entail unreasonable time limits or unwarranted delays, provide injunctive relief if appropriate, and are fair, equitable and transparent.

Article 26.7. Cooperation Activities

1. The Parties recognise the importance of cooperation activities on trade-related aspects of environmental and labour policies in order to achieve the objectives of this Agreement and implement this Chapter.

2. Cooperation activities can be developed and implemented with the participation of international and regional organisations as well as with third countries, businesses, employersâ and workersâ organizations, education and research organizations, other non- governmental organizations, as appropriate.

3. Cooperation activities shall be carried out on issues and topics agreed upon by the Parties to address the matters of common interest.

4. The Parties may cooperate on issues as specified throughout this chapter as well as, inter alia:

(a) labour and environmental aspects of trade and sustainable development in international fora, including in particular the WTO, the UN High-level Political Forum for Sustainable Development, UN Environment, the ILO and MEAs;

(b) the impact of labour and environmental law and standards on trade and investment; (c) the impact of trade and investment law on labour and the environment;

and trade-related aspects of:

(d) initiatives on sustainable consumption and production, including those aimed at promoting a circular economy and green growth and pollution abatement

(e) initiatives to promote environmental goods and services, including by addressing related non-tariff barriers

5. The priorities for cooperation activities will be decided jointly by the Parties based on areas of mutual interest and available resources.

6. The Parties may carry out activities in the cooperation areas set out in this Chapter in person or by any technological means available to the Parties.

Section 2. Environment and Trade

Article 26.8. Objectives

1. The Parties aim to promote mutually supportive trade and environmental policies; promote high levels of environmental protection in line with multilateral environmental agreements to which they are a Party respectively and effective enforcement of their respective environmental laws; and enhance their capacities to address trade-related environmental issues, including through cooperation.

2. The Parties recognise that enhanced cooperation to protect and conserve the environment and sustainably manage their natural resources brings benefits that can contribute to sustainable development, strengthen their environmental governance and complement the objectives of this Agreement.

The Parties recognize the importance of mutually supportive trade and environmental policies and practices to improve environmental protection in the furtherance of sustainable development.

Article 26.9. Multilateral Environmental Governance and Agreements

1. The Parties recognise the importance of the United Nations Environment Assembly (UNEA) of the United Nations Environment Programme (UNEP). The Parties recognise the critical role of multilateral environmental agreements in addressing global, regional, and domestic environmental challenges. The Parties further recognise the need to enhance the mutual supportiveness between trade and environmental policies. Accordingly, each Party

shall effectively implement the multilateral environmental agreements (MEAs) and protocols to which it is a party.

2. The Parties recognize the right of each Party to adopt or maintain measures to further the objectives of MEAs to which it is a party.

3. The Parties shall engage in dialogue and cooperate, as appropriate, on trade and environmental issues of mutual interest, particularly with respect to multilateral environmental agreements. This will include regular exchanges of information on each Partyâs initiatives regarding the ratifications of MEAs, including their protocols and amendments.

Article 26.10. Trade and Climate Change

1. The Parties recognise the importance of multilateral environmental agreements in the area of climate change, in

particular the need to achieve the objective of the United Nations Framework Convention on Climate Change (UNFCCC) and the purpose and goals of the Paris Agreement adopted by the Conference of the Parties to the UNFCCC at its 21st session, in order to address the urgent threat of climate change. Accordingly, the Parties recognise the role of trade to achieve the goal of sustainable development and to address climate change, as well as the importance of individual and collective efforts to address climate change impacts through mitigation and adaptation actions.

2. Pursuant to paragraph 1, each Party shall:

(a) effectively implement the UNFCCC and the Paris Agreement adopted thereunder including its commitments with regard to its Nationally Determined Contribution.

(b) promote the positive contribution of trade to the transition to a low greenhouse gas emission and circular economy and to climate-resilient development, including actions on climate change mitigation and adaptation.

(c) facilitate and promote trade and investment in goods and services of particular relevance for climate change mitigation and adaptation, for sustainable renewable energy, and for energy efficiency, in a manner consistent with other provisions of this Agreement.

3. Consistent with Article 26.7 [Cooperation Activities], the Parties shall cooperate as appropriate on trade-related aspects of climate change, bilaterally, regionally and in international fora, including in the UNFCCC, the WTO and the Montreal Protocol on Substances that Deplete the Ozone Layer. Furthermore, the Parties may cooperate as appropriate on these issues also in the International Maritime Organization.

4. Pursuant to paragraph 1, the Parties shall cooperate in areas such as:

(a) exchanging knowledge and experience regarding the implementation of the Paris Agreement, as well as on initiatives to promote climate resilience, renewable energy, low emission technologies, energy efficiency, carbon pricing, sustainable transport, sustainable and climate-resilient infrastructure development, emissions monitoring, and nature-based solutions; as well as explore options to cooperate in areas such as short-life climate pollutants and soil carbon sequestration.

(b) exchanging knowledge and experience regarding an ambitious phase-out of ozone depleting substances (ODS) and the phase-down of hydrofluorocarbons (HFCs) under the Montreal Protocol through measures to control their production, consumption and trade, the introduction of environmentally friendly alternatives to them, updating of safety and other relevant standards, combating the illegal trade of substances regulated by the Protocol, as appropriate.

Article 26.11. Trade and Forests

1. The Parties recognise the importance of sustainable forest management and the role of trade in pursuing this objective.

2. Pursuant to paragraph 1, each Party shall:

(a) implement measures to combat illegal logging and related trade, including through cooperation activities with third countries as appropriate;

(b) encourage the conservation and sustainable management of forests;

(c) promote trade and consumption of timber and timber products, which are legally obtained from sustainably managed forests;

(d) exchange information and, as appropriate, cooperate with the other Party on trade-related initiatives on combatting illegal logging, sustainable forest management, deforestation and forest degradation, forest governance and/or on the conservation of forest cover to maximise the impact and mutual supportiveness of their respective policies of common interest.

3. Recognising that forests and their sustainable management have a key role in combatting climate change and maintaining biodiversity, each Party shall promote initiatives addressing deforestation, including through deforestation-free supply chains. Additionally, the Parties shall cooperate, as appropriate and consistent with Article 26.7 [Cooperation Activities], bilaterally, regionally and in relevant international fora, to minimise deforestation and forest degradation worldwide.

Article 26.12. Trade and Wild Flora and Fauna

1. The Parties recognize the importance of ensuring international trade of wild fauna and flora does not threaten their

survival, as set out in the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

2. Pursuant to paragraph 1, each Party shall:

(a) implement effective measures to combat illegal trade in wild flora and fauna, including through cooperation activities with third countries as appropriate;

(b) promote the long-term conservation and sustainable use of CITES listed species, including by cooperating in the relevant CITES bodies to keep the Appendices to the CITES up to date and promoting the inclusion of species considered at risk because of international trade and other criteria established under CITES.

3. Consistent with Article 26.7 [Cooperation Activities], the Parties may, as appropriate, cooperate or exchange information bilaterally, regionally and in international fora on issues of mutual interest related to tackling illegal trade in wild flora and fauna, including through raising awareness to reduce demand for illegal wildlife products and initiatives to enhance cooperation on information sharing and enforcement.

Article 26.13. Trade and Biological Diversity

1. The Parties recognise the importance of conserving and sustainably using biological diversity and the role of trade in pursuing these objectives, consistent with the Convention on Biological Diversity (CBD), other relevant multilateral environmental agreements to which they are a party, and the decisions adopted thereunder.

2. Pursuant to paragraph 1, each Party shall take measures to conserve biological diversity when it is subject to pressures linked to trade and investment, including through the exchange of information and experience, and measures to prevent the spread of invasive alien species, recognizing that the movement of terrestrial and aquatic invasive alien species across borders through trade-related pathways can adversely affect the environment, economic activities and development, and human health;

3. The Parties recognise the importance of respecting, preserving and maintaining knowledge and practices of indigenous and local communities embodying traditional lifestyles that contribute to the conservation and sustainable use of biological diversity, and the role of international trade therein.

4. The Parties recognise the importance of facilitating access to genetic resources and of promoting the fair and equitable sharing of benefits arising from the use of genetic resources, consistent with their respective domestic measures and each Partyâs international obligations.

5. The Parties also recognise the importance of public participation and consultation, in accordance with their respective law or policy, in the development and implementation of measures concerning the conservation and sustainable use of biological diversity.

6. Consistent with Article 26.7 [Cooperation Activities], the Parties may, as appropriate, promote, cooperate or exchange information bilaterally, regionally and in international fora on trade-related aspects of biological diversity policies and measures of mutual interest, such as:

(a) initiatives and good practices concerning trade in natural resource-based products obtained through a sustainable use of biological resources and contributing to the conservation of biodiversity;

(b) the conservation and sustainable use of biological diversity, the protection, restoration and valuation of ecosystems and their services and related economic instruments;

(c) access to genetic resources and the fair and equitable sharing of benefits from their utilisation.

Article 26.14. Trade and Sustainable Management of Fisheries and Aquaculture

1. The Parties recognise the importance of conserving and sustainably managing marine biological resources and marine ecosystems, and the role of trade in pursuing these objectives.

2. While developing and implementing conservation and management measures, the Parties shall take into consideration social, trade, developmental and environmental concerns and the importance of artisanal or small scale fisheries to the livelihoods of local fishing communities.

3. The Parties acknowledge that illegal, unreported and unregulated (TUU) fishingâ can have significant negative impacts on fishery stocks, sustainability of trade in fisheries products, development and the environment and confirm the need for

action to address the problems of overfishing and unsustainable utilization of fisheries resources.

4. Pursuant to paragraphs 1 to 3, each Party shall:

4.1 implement and act consistent with the principles of the UN Convention on the Law of the Sea, the UN Agreement on the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, the FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, the FAO Code of Conduct for Responsible Fisheries, the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Dlegal, Unreported and Unregulated (IUU) fishing;

4.2 participate in the FAOâs initiative on the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels;

4.3 seek to operate a fisheries management system that shall be based on the best scientific evidence available and on internationally recognized best practices for fisheries management and conservation as reflected in the relevant provisions of international instruments aimed at ensuring the sustainable use and conservation of marine speciesÂ® and that is designed, inter alia, to:

(a) prevent overfishing and overcapacity; (b) reduce bycatch of non-target species; and

(c) promote the recovery of overfished stocks for all marine fisheries;

2 The term âillegal, unreported and unregulated fishingâ is to be understood to have the same meaning as paragraph 3 of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (2001 IUU Fishing Plan of Action) of the UN Food and Agricultural Organisation (FAO), adopted in Rome, 2001.

3 These instruments include, among others, and as they may apply, UNCLOS, the United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, done at New York, December 4, 1995 (UN Fish Stocks Agreement), the FAO Code of Conduct for Responsible Fisheries, the 1993 FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, (Compliance Agreement) done at Rome, November 24, 1993, the 2001 IUU Fishing Plan of Action, and the 2009 FAO Agreement on Port State Measures to prevent, deter and eliminate illegal, unreported and unregulated fishing, done at Rome, November 22, 2009.

(d) promote fisheries management with an ecosystem approach, including through cooperation among the Parties.

4.4 in support of efforts to combat illegal, unreported and unregulated (IUV) fishing practices and to help deter trade in products from species harvested from those practices:

(a) implement effective measures to combat IUU fishing.

(b) ensure the use of monitoring, control, surveillance, compliance and enforcement systems, to:

(i) prevent and deter vessels that are flying its flag and its nationals from engaging in IUU fishing activities according to its international obligations and its law; and

(ii) address the transhipment at sea of fish or fish products to deter and avoid IUU fishing activities;

(c) implement port State measures;

(d) implement measures to prevent that IUU fish and fish products from entering in each Partyâs supply chains and to cooperate to this end, including by facilitating the exchange of information;

4.5 Participate actively in the work of the Regional Fisheries Management Organisations (RFMOs) to which they are members, observers, or cooperating non-contracting parties, with the aim of achieving good fisheries governance and sustainable fisheries, such as through the promotion of scientific research and the adoption of conservation measures based on best scientific evidence available the strengthening of compliance mechanisms, the undertaking of periodical performance reviews and the adoption of effective control, monitoring and enforcement of the RFMOs' management measures and, where applicable, the adoption and implementation of Catch Documentation or Certification Schemes and port state measures;

4.6 Strive to act consistently with relevant conservation and management measures adopted by Regional Fisheries Management Organizations of which it is not a member so as not to undermine those measures and endeavour not to undermine catch or trade documentation schemes operated by Regional Fisheries Management Organizations or

Arrangements of which it is not a member;

4.7 Promote the development of sustainable and responsible aquaculture, taking into account its economic, social and environmental aspects, according to the implementation of the objectives and principles contained in the FAO Code of Conduct for Responsible Fisheries.

5. The Parties shall cooperate, as appropriate and consistent with Article 26.7 [Cooperation Activities], bilaterally and within RFMOs with the aim of promoting sustainable fishing practices and trade in fish products from sustainably managed fisheries. Additionally, the Parties may cooperate to exchange knowledge and good practices to support the implementation of this Article.

Section 3. Labour and Trade

Article 26.15. Labour Provisions Objectives

1. The Parties recognise that trade and investment provides opportunities for job creation and decent work, including for young people, with terms and conditions of employment that adhere to the principles in International Labor Organization Declaration of Fundamental Principles and Rights at Work and its Follow-Up (1998) and the ILO Declaration on Social Justice for a Fair Globalization of 2008;

2. The Parties aim to ensure high levels of labour protection in line with international labour standards they adhere to and to promote mutually supportive trade and labour policies with a view to improve the working conditions and quality of work life amongst employees. They will strive to improve the development and management of human capital for enhanced employability, business excellence, and greater productivity for the benefit of both the workers and enterprise. Accordingly, the Parties endeavor to provide opportunities for young people to develop skills to successfully access and remain in the labour market.

3. The Parties aim to cooperate on trade-related labour issues of mutual interest in order to strengthen the broader relationship between the Parties.

Article 26.16. Multilateral Labour Standards and Agreements

1. The Parties affirm their commitment to promote the development of international trade in a way that is conducive to decent work for all, in particular women, young people and persons with disabilities, in line with their respective obligations under the ILO, including those stated in ILO Declarations of 1998 and 2008.

2. Recalling the ILO Declaration on Social Justice for a Fair Globalisation of 2008, the Parties note that the violation of fundamental principles and rights at work cannot be invoked or otherwise used as a legitimate comparative advantage and that labour standards should not be used for protectionist trade purposes.

3. Each Party shall effectively implement the ILO Conventions ratified by Chile and the Member States of the European Union respectively.

4. In accordance with the ILO Constitution and the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, adopted by the International Labour Conference at its 86th Session in 1998, each Party shall respect, promote and effectively implement the internationally recognised core labour standards, as defined in the fundamental ILO Conventions, which are:

a) freedom of association and the effective recognition of the right to collective bargaining;

b) the elimination of all forms of forced or compulsory labour;

c) the effective abolition of child labour and a prohibition on the worst forms of child labour; and

d) the elimination of discrimination in respect of employment and occupation.

5. The Parties shall regularly exchange information on their respective progress with regard to the ratification of ILO Conventions or protocols that are classified as up-to-date by the ILO and to which they are not yet party.

6. Each Party shall promote the Decent Work Agenda as set out in the Declaration on Social Justice for a Fair Globalization of 2008 adopted by the International Labour Conference at its 97th Session, in particular with regard to:

a) decent working conditions for all, with regard to, inter alia, wages and earnings, working hours, other conditions of work

and social protection;

b) social dialogue on labour matters among workers and employers and their respective organizations, and with relevant government authorities.

7. Consistent with its commitments under the ILO, each Party shall:

a) adopt and implement measures and policies regarding occupational health and safety;

b) maintain labour inspection system, in accordance with the relevant ILO standards on

labour inspection. Article 26.17 Forced or Compulsory Labour

1. Recalling that among the objectives of the Agenda 2030 is the elimination of forced labour, the Parties underline the importance of ratification and the effective implementation

of the 2014 Protocol to the Forced Labour Convention.

2. The Parties recognize the goal of eliminating all forms of forced or compulsory labour, including forced or compulsory child labour.

3. Consequently, the Parties agree to identify opportunities for cooperation sharing information, experiences and good practices related to this matter.

Article 26.18. Cooperation on Trade and Labour Issues

1. Consistent with Article 26.7 [Cooperation Activities], the Parties shall consult and cooperate, as appropriate, bilaterally and in the context of the ILO, on trade-related labour issues of mutual interest, including, but not limited to:

(a) job creation and the promotion of productive, quality employment, including policies to generate job-rich growth and promote sustainable enterprises and entrepreneurship;

(b) promotion of improvements in business and labour productivity, particularly in respect of SMEs;

(c) human capital development, access to labour market and the enhancement of employability, in particular of young people, including through lifelong learning and vocational training, continuous education, training and the development and upgrading of skills, including in emerging and environmental industries;

(d) work-life balance and innovative workplace practices to enhance workersâ well- being;

(e) promotion of the awareness of the ILO Decent Work Agenda, including on the inter-linkages between trade and full and productive employment, labour market

adjustment, core labour standards, decent work in global supply chains, social protection and social inclusion, social dialogue and gender equality;

(f) promotion of decent quality jobs through trade, including the safety and health at work of pregnant workers and workers who have recently given birth;

(g) occupational safety and health and labour inspection, for example, improving compliance and enforcement mechanisms;

(h) addressing the challenges and opportunities of a diverse, multigenerational workforce, including:

@) promotion of equality and elimination of discrimination in respect of employment and occupation;

(ii) protection of vulnerable workers;

(i) improving labour relations, for example, best practice in alternative dispute resolution and tripartite consultation;

(j) the implementation of fundamental, priority and other up-to-date ILO Conventions, as well as the ILO Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policies, and the United Nation Guiding Principles on Business and Human Rights;

(k) labour statistics.

Section 4. Institutional Arrangements

Article 26.19. Sub-Committee on Trade and Sustainable Development and Contact Points

1. The Sub-Committee on Trade and Sustainable Development established by Article X.4 (Sub-Committees of part III of this Agreement) shall meet within a year of the date of entry into force of this Agreement, unless otherwise agreed by the Parties, and thereafter as

necessary in accordance with Article X.X (Sub-Committees and Other Bodies) of this Agreement. Meetings may be conducted in person or by any technological means available to the Parties.

For Chile, the Sub-Committee shall comprise senior officials or other level from the institutions responsible for trade, labour, environment and gender issues.

2. The Sub-Committee shall have specific sessions for environment and labour mattersâ, respectively, as well as cross-cutting issues related to trade and sustainable development.

3. The functions of the Sub-Committee are to: (a) facilitate, monitor and review the implementation of this Chapter;

(b) determine, organize, oversee and assess the cooperation activities of this Chapter, including exchange of information and experience on areas of mutual interest;

(c) report and make recommendations to the Trade Committee on any matter related to this Chapter, including with regard to topics for discussion with ... {the civil society mechanisms] referred to in Article ... of Chapter ... ;

(d) carry out the tasks referred to in Articles 26.21 [Consultations] and 26.22 [Panel of Experts];

(e) coordinate with other Sub-Committees established under this Agreement as appropriate, including the efforts referred to in Article 27.4, paragraph 8 of the chapter on Trade and Gender Equality;

(f) carry out any other functions as the Parties may agree.

4. The Sub-Committee, as mutually agreed, may consult or seek the advice of relevant stakeholders or experts over matters relating to the implementation of this Chapter.

All recommendations of the Sub-Committee shall be adopted by consensus.

5. The Sub-Committee shall publish a report, made by consensus, on its meeting after each of its meetings.

6. Each Party shall designate a contact point within its administration to facilitate communication and coordination between the Parties on any matter relating to the implementation of this Chapter. In the case of Chile, specific contact points for labour, environmental [and gender] matters shall be within its Undersecretariat of International Economic Relations of the Ministry of Foreign Affairs or its successor. Each Party shall promptly notify the other Party its contact point (s) and provide their contact information.

7. The contact point(s) shall:

(a) facilitate regular communication and coordination between the Parties,

(b) assist the Sub-Committee;

(c) communicate with its domestic civil society, as appropriate;

(d) work together, including with other appropriate bodies of their administrations, to develop and implement cooperative activities.

4 It could be done through consecutive sessions within the Trade and Sustainable Development Sub- Committee or as an isolated session.

Article 26.20. Dispute Resolution

1. The Parties shall make all possible efforts through dialogue, consultation, exchange of information and cooperation to address any disagreement between the Parties regarding the interpretation or application of this Chapter.

2. In case of a disagreement between the Parties regarding the interpretation or application of this Chapter, the Parties shall have recourse exclusively to the dispute resolution procedures established under Articles 26.21 [Consultations] and 26.22

[Panel of Experts]. [The provisions of this Chapter shall not be subject to the dispute resolution procedures under Chapter [Dispute Settlement]].

Article 26.21. Consultations

1. A Party (requesting Party) may, at any time, request consultations with the other Party (responding Party) regarding any matter arising in regard to the interpretation or application of this Chapter by delivering a written request to the responding Partyâs contact point. The request shall set out the reasons for requesting consultations, including a sufficiently specific description of the matter at issue and its relation to the provisions of this Chapter.

2. The responding Party shall, unless agreed otherwise with the requesting Party, reply in writing no later than ten days after the date of its receipt.

3. The Parties shall begin, unless they agree otherwise, consultations no later than 30 days after the date of receipt by the responding Party of the request.

4. The consultations may be held in person or by any technological means available to the Parties. If consultations are held in person, they shall be held in the territory of the responding Party, unless the Parties agree otherwise.

5. In the consultations:

a. the Parties shall provide sufficient information to enable a full examination of the matter; and

b. the Parties shall treat any information exchanged in the course of the consultations confidentially.

6. The Parties shall enter into consultations with the aim of reaching a mutually satisfactory resolution of the matter, taking into account opportunities for cooperation related to the matter. In matters related to the multilateral agreements referred to in this Chapter, the Parties shall consider information from the ILO or relevant bodies established under those agreements. Where relevant, the Parties may agree to seek advice from such organisations or bodies, or any other expert or body they deem appropriate to assist them in the consultations.

7. If the Parties are unable to resolve the matter in accordance with paragraphs 3 to 6 within 60 days from the request for consultations pursuant to paragraph 1, each Party may, by delivering a written request to the contact point of the other Party, request that the Sub- Committee on Trade and Sustainable Development be convened to consider the matter. The

Sub-Committee on Trade and Sustainable Development shall convene promptly and endeavour to agree on a resolution of the matter.

8. Each Party or the Sub-Committee on Trade and Sustainable Development seized pursuant to Article 22.7 may, if appropriate, seek the views of the ... [domestic civil society bodies set up under the Agreement] referred to in Article ... of Chapter ... or other expert advice.

9. If the Parties are able to resolve the matter, they shall document any outcome including, if appropriate, specific steps and timelines agreed upon. The Parties shall make the outcome available to the public, unless they agree otherwise.

Article 26.22. Panel of Experts

1. If, within 60 days of the delivery of a written request under Article 26.21 paragraph 7 for consideration of a matter by the Sub-Committee on Trade and Sustainable Development or, if no such request is made, within 120 days of the delivery of a written request for consultations under Article 26.21 paragraph 1, no mutually satisfactory resolution has been reached, a Party may request the establishment of a Panel of Experts to examine the matter.

Any such request shall be made in writing to the contact point of the other Party established in accordance with Article 26.19 paragraph 7. The request shall identify the reasons for requesting the establishment of a Panel of Experts, including a description of the matter at issue, and explain how that matter constitutes a breach of the covered provision(s) of this Chapter that it considers applicable.

2. Except as otherwise provided for in this Article, Articles X.5 [Establishment of a panel], X.8 [Functions of the Panel], paragraph 6 of X.11 [Interim and Panel Report], patagraph 1 of X.13 [Compliance Measures], X.14 [Reasonable Period of Time], X.18 [Replacement of Panellists], paragraph 2 of X.19 [Rules of Procedure], X.20 [Suspension and Termination], [X.21 [Receipt of information] ,| X.23 (Reports and Decisions of the Panel), X.32 [Mutually Agreed Solution], X.33 [Time Periods], X.34 [Costs], X.35 [Annexes] of Chapter X [Dispute Settlement],-as well as the Rules of Procedure in Annex ... and the Code of Conduct in Annex ... to Chapter ... (Dispute Settlement], shall apply mutatis mutandis.

3. The TSD Sub-Committee shall, at its first meeting after the entry into force of this Agreement, recommend to the Trade Committee the establishment of at least 15 individuals who are willing and able to serve on the Panel of Experts. The list shall be composed of three sub-lists: one sub-list for each Party and one sub-list of individuals that are not nationals of either Party and who may serve as chairperson to the Panel of Experts. Each Party shall propose at least five individuals for its sub-list. The Parties shall also select at least five individuals for the list of chairpersons. The TSD Sub-Committee shall ensure that the list is kept up to date and that the number of experts is maintained at least at 15 individuals.

4. The individuals referred to in paragraph 3 shall have specialised knowledge of or expertise in labour or environmental law, issues addressed in this Chapter, or the resolution of disputes arising under international agreements. They shall be independent, serve in their individual capacities and not take instructions from any organisation or government with regard to issues related to the disagreement, or be affiliated with the government of any Party, and shall comply with Annex ... [Code of Conduct] to Chapter ... [Dispute Settlement].

5. If the Panel of Experts is composed according to the procedures set out in paragraphs 3 and

4 of Article X.5 [composition of arbitration panel] of Chapter ... [Dispute Settlement], the experts shall be selected from the relevant individuals on the sub-lists referred to in paragraph 3 of this Article.

6. Unless the Parties agree otherwise within [five] days from the date of establishment of the Panel of Experts, as defined in paragraph 5 of Article X.5 [establishment of the arbitration panel] [Dispute Settlement], the terms of reference shall be:

"to examine, in the light of the relevant provisions of the Trade and Sustainable Development Chapter of the EU-Chile Association Agreement, the matter referred to in the request for the establishment of the Panel of Experts, and to issue a report, in accordance with Article 22 [Panel of Experts] of Chapter 26 [Trade and Sustainable Development], with its findings and recommendations for the resolution of the matter".

7. With regard to matters related to multilateral agreements referred to in this Chapter, the panel of experts should seek information from the ILO or relevant bodies established under those agreements, including any pertinent available interpretative guidance, findings or decisions adopted by the ILO and those bodies. Any such information shall be provided to both Parties for their comments.

8. The Panel of Experts shall interpret the provisions of this Chapter in accordance with the customary rules of interpretation of public international law, including those codified in the 1969 Vienna Convention on the Law of Treaties.

9. The panel of experts shall issue to the Parties an interim report and a final report setting out the findings of facts, the applicability of the relevant provisions and the rationale behind any findings, conclusions and the recommendations it makes.

10. The panel of experts shall deliver to the Parties the interim report within 100 days after the date of establishment of the panel of experts. When the panel of experts considers that this deadline cannot be met, the chairperson of the panel of experts shall notify the Parties in writing, stating the reasons for the delay and the date on which the panel of experts plans to deliver its interim report. The time limits set out in this paragraph may be extended by mutual agreement of the Parties.

11. Each Party may deliver to the panel of experts a reasoned request to review particular aspects of the interim report within 25 days of its delivery. A Party may comment on the other Party's request within 15 days of the delivery of the request.

12. After considering those comments, the panel of experts shall prepare the final report. If no request to review particular aspects of the interim report is delivered within the time period referred to in paragraph 11, the interim report shall become the final report of the panel of experts.

13. The panel of experts shall deliver its final report to the Parties within 175 days of the date of establishment of the panel of experts. When the panel of experts considers that this time limit cannot be met, its chairperson shall notify the Parties in writing, stating the reasons for the delay and the date on which the panel of experts plans to deliver its final report. The time limits set out in this paragraph may be extended by mutual agreement of the Parties.

14. The final report shall include a discussion of any written request by the Parties on the interim report and clearly address the comments of the Parties.

15. The Parties shall make the final report available to the public within 15 days of its delivery by the panel of experts.

16. If the Panel of Experts finds in the final report that a Party has not conformed with its obligations under this Chapter, the Parties shall discuss appropriate measures to be implemented taking into account the report and recommendations of the Panel of Experts. The responding Party shall inform its ... {domestic civil society mechanism set up under the Agreement]

referred to in Article ... of Chapter ... and the other Party of its decisions on any actions or measures to be implemented no later than three months after the report has been made publicly available.

17. The TSD Sub-Committee shall monitor the follow-up to the report of the Panel of Experts and its recommendations. The ... {civil society mechanisms set up under the Agreement] referred to in Article(s) ... of Chapter ... may submit observations to the [body] in this regard.

Article 26.23. Review

1. For the purpose of enhancing the achievement of the objectives of this Chapter, the Parties shall discuss through the meetings of the Trade and Sustainable Development Sub- Committee its effective implementation, taking into account, inter alia, major policy developments in each Party and developments in international agreements.

2. Taking into account the outcome of such discussions, any Party may request the review of the provisions of this Chapter at any time after the date of entry into force of this Agreement. For this purpose, the Trade and Sustainable Development Sub-Committee may recommend to the Parties modifications to the relevant provisions of this Chapter, in accordance with the amendment procedure established in Article X [Amendments].

Chapter 27. TRADE AND GENDER EQUALITY

Article 27.1. Context and Objectives

. The Parties agree on the importance of incorporating a gender perspective into the promotion of inclusive economic growth, and the key role that gender-responsive policies can play in this regard. These include removing barriers to women's participation in the economy and international trade, including improving equal opportunity for men and women in the labour market in access to work functions and sectors.

. The Parties acknowledge that international trade and investment are engines of economic growth and also recognise the important contribution by women to economic growth through their participation in economic activity, including business and international trade.

. The Parties recognise that women's participation in international trade can contribute to advancing their economic empowerment and economic independence. Furthermore, women's access to, and ownership of, economic resources contribute to sustainable and inclusive economic growth, prosperity, competitiveness, and the well- being of society. Accordingly, the Parties underline their intention to implement the provisions in this Agreement in a manner that promotes and enhances equality between men and women.

. The Parties recall the United Nations 2030 Agenda for Sustainable Development and the Sustainable Development Goals pertaining to trade and gender equality, in particular Goal 5, which is to achieve gender equality and empower all women and girls.

. The Parties recall the objectives of the Joint Declaration on Trade and Women's Economic Empowerment on the Occasion of the WTO Ministerial Conference in Buenos Aires in December 2017.

. The Parties recall their commitments under Article X [General Principles, Advanced Framework Agreement] on mainstreaming gender equality and the empowerment of women and girls as well as the respect for democratic principles and human rights and fundamental freedoms, as set out in the Universal Declaration of Human Rights and other relevant international human rights instruments related to gender equality to which they are party.

. Each party reaffirms their commitments under the Beijing Declaration and Platform for Action, noting in particular the objectives and provisions related to womenâs equal access to resources, employment, markets and trade.

8. The Parties reaffirm the importance of inclusive trade policies which contribute to the promotion of equal rights, treatment and opportunity between men and women as well as to the elimination all forms of discrimination against women.

9. The Parties emphasise the role of the private sector in fostering gender equality by applying non-discrimination and diversity policies in their corporate operations in line with international guidelines and standards endorsed or supported by the Parties.

10. The Parties aim to:

a. enhance their trade relations, cooperation and dialogue in ways that are conducive to equal opportunities and treatment

for women and men, as workers, producers, traders or consumers, in accordance with their international commitments.

b. facilitate cooperation and dialogue with the aim of enhancing womenâs capacity, conditions and access to opportunities created by trade.

c. further improve their capacities to address trade-related gender issues, including through exchange of information and best practices.

Article 27.2. Multilateral Agreements

1. Each Party reaffirms its commitment to effectively implement its obligations under the Convention on the Elimination of all Forms of Discrimination Against Women, adopted by the United Nations General Assembly on December 18, 1979, noting in particular its provisions related to eliminating discrimination against women in economic life and in the field of employment.

2. The Parties recall their respective obligations under Article 26.16 Multilateral Labour Standards and Agreements of the Trade and Sustainable Development Chapter regarding the ILO Conventions related to gender equality and the elimination of discrimination in respect of employment and occupation ratified by Chile and Member States of the European Union.

3. Each Party reaffirms its commitment to effectively implement the obligations under other multilateral agreements addressing gender equality or womenâs rights to which it is a party.

Article 27.3. General Provisions

1. The Parties recognise the right of each Party to establish its own scope and guarantees of equal opportunities for men and women and to adopt or modify accordingly its relevant laws and policies, consistent with each Party's commitment to international agreements referred to in Article 27.2 (Multilateral Agreements).

. Each Party shall strive to ensure that its relevant law and policy provide for, and promote equal rights, treatment and opportunities between men and women, in accordance with their international commitments. Each Party shall strive to improve such law and policies.

. Each Party shall endeavour to gather sex-disaggregated data related to trade and gender with a view to better understanding the different impacts of trade policy instruments on women and men in their roles as workers, producers, traders or consumers.

. Each Party shall domestically promote public awareness of its law and policies related to gender equality, including their impact on and relevance for inclusive economic growth and for trade policy.

[EU: The Parties shall, when relevant, take into account the objective of equality between men and women when formulating, implementing and reviewing measures in the areas covered under this Agreement.]

. The Parties shall encourage trade and investment by promoting equal opportunities and participation for women and men in the economy and international trade. This includes inter alia measures that aim at: progressively eliminating all types of discrimination on grounds of sex, promoting the principle of equal pay for work of equal value in order to addressing the gender pay gap; as well as facilitating that women are not discriminated in employment and occupation, including for reasons of pregnancy and maternity.

. The Parties shall not, in order to encourage trade or investment, weaken or reduce the protection granted under their respective laws aimed at ensuring gender equality or equal opportunities for women and men.

. The Parties shall not waive or otherwise derogate from, or offer to waive or otherwise derogate from, their respective laws aimed at ensuring gender equality or equal opportunities for women and men, in a manner that weakens or reduces the protection granted in those laws in order to encourage trade or investment.

. The Parties shall not fail to effectively enforce, through a sustained or recurring course of action or inaction, the protection granted under their respective laws aimed at ensuring gender equality or equal opportunities for women and men in a manner affecting trade or investment.

Article 27.4. Cooperation Activities

1. The Parties acknowledge the benefit of sharing their respective experiences in designing, implementing, monitoring and strengthening trade-related aspects of gender equality measures.

2. Accordingly, the Parties shall carry out cooperation activities designed to improve the capacity and conditions for women, including workers, businesswomen and entrepreneurs, to access and fully benefit from the opportunities created by this Agreement.

3. Cooperation activities shall be carried out on issues and topics agreed upon by the Parties.

4. Cooperation activities can be developed and implemented with the participation of UN, WTO, ILO, OECD and other international organisations as well as with third countries, businesses, employersâ and workersâ organizations, education and research organizations, other non-governmental organizations, as appropriate.

5. Areas of cooperation may include sharing experiences and best practices relating to policies and programmes to encourage women's increased participation in international trade as well as trade-related aspects of:

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promoting womenâs financial inclusion and education as well as access to financing and financial assistance;

advancing womenâs leadership and developing womenâs networks;

promoting womenâs full participation in the economy by encouraging their participation, leadership and education, in particular in fields in which they are underrepresented such as science, technology, engineering, mathematics (STEM), as well as innovation and business;

promoting of gender equality within enterprises; Womenâs participation in decision-making positions in the public and private sectors;

Public and private initiatives aimed at the promotion of female entrepreneurship, including the integration of women in the formal sector of the economy, enhancing the competitiveness of women-led enterprises to allow them to participate and compete in local, regional, and global value chains, and activities to promote the internationalisation of small and medium sized enterprises (SMEs) led by women;

Policies and programmes to improve women's digital skills and access to online business tools and e-commerce platforms;

Advancing care policies and programmes as well as work-life balance measures with a gender perspective;

Exploring the link between increased womenâs participation in international trade and the reduction of the gender pay gap;

Gender-based analysis of trade policies, including design, implementation and monitoring of their effects;

The collection of sex-disaggregated data, the use of indicators, monitoring and evaluation methodologies, and the analysis of statistics related to trade from a gender perspective;

Exploring linkages between women's participation in international trade and areas such as decent work, occupational segregation, and working conditions of women, including the safety and health at work of pregnant workers and workers who

have recently given birth, in line with literal f of Article 18 of the chapter on Trade and Sustainable Development;

m) Policies and programs to prevent, mitigate and respond to the differentiated economic impact that crises and

emergencies have on women and men.

n) Other issues as agreed by the Parties.

6. The priorities for cooperation activities will be decided jointly by the Parties based on areas of mutual interest and available resources.

7. Cooperation, including in the areas set out in paragraph 5, may be undertaken in person or by any technological means available to the Parties, through activities such as: workshops, seminars, conferences, collaborative programmes and projects; exchange of experiences, and sharing of best practices on policies and procedures; and the exchange of experts.

8. Through the TSD Sub-Committee, the Parties shall encourage efforts by the bodies established in this Agreement to integrate gender-related issues, considerations and activities in their work.

9. The Parties shall encourage inclusive participation of women in the implementation of the cooperation activities established under this article, as appropriate.

Article 27.5. Institutional Arrangements

1. The Sub-Committee on Trade and Sustainable Development established by Article X.4 (Sub-Committees) shall be the body responsible for the implementation of this chapter. Article 26.19 of the chapter on Trade and Sustainable Development shall apply to this Chapter mutatis mutandisâ.

2. When interacting with the civil society mechanism established under Article XX (General Institutional Chapter) of this Agreement, the Parties shall encourage the participation of organisations promoting equality between men and women.

Article 27.6. Dispute Resolution

1. Article 26.20 [Dispute Resolution], Article 26.21 [Consultations] and Article 26.22 [Panel of Expert] of the chapter on Trade and Sustainable Development shall apply to this Chapter mutatis mutandisâ.

' For greater certainty, any reference to the Trade and Sustainable Development Chapter, or to environmental and labour issues or matters, in that Article shall be understood as referring to this Chapter, or gender issues or matters, as applicable.

2 For greater certainty, any reference to the Trade and Sustainable Development Chapter, or to environmental and labour issues, matters or laws, in those Articles shall be understood as referring to this Chapter, or gender issues, matters or laws related to these issues or matters, as applicable.

Article 27.7. Review

1. The Parties agree on the importance of monitoring and assessing, jointly or individually, the impact of the implementation of this Agreement on equality between men and women and opportunities provided for women in relation to trade through their respective processes and institutions, as well as those set up under this Agreement.

2. The Parties may review these provisions in light of experience gained in their implementation and if necessary, suggest how they may be strengthened.

Chapter 28. TRANSPARENCY

Article 28.1. Objective

1. Recognising the impact which their respective regulatory environment may have on trade and investment between them, the Parties aim at providing a predictable regulatory environment and efficient procedures for economic operators, especially small and medium- sized enterprises.

2. Reaffirming their respective commitments under the WTO Agreement, in this Chapter the Parties built on those commitments and lay down further arrangements for transparency.

Article 28.2. Definitions

For the purposes of this [Chapter]:

administrative ruling of general application means an administrative ruling or interpretation that applies to all persons and fact situations that fall generally within the ambit of that administrative ruling or interpretation and that establishes a norm of conduct, but does not include:

(a) a determination or ruling made in an administrative or quasi-judicial proceeding that applies to a particular person, good or service of another Party in a specific case; or

(b) a ruling that adjudicates with respect to a particular act or practice;

administrative decision means a decision or action with a legal effect that applies to a specific person, good or service in an individual case, and covers the failure to take an administrative decision as provided for in the Party's domestic law and legal system.

Article 28.3. Publication

Each Party shall ensure that a law, regulation, procedure, administrative ruling of general application and judicial decision with respect to any matter covered by this Agreement:

(a) is promptly published via an officially designated medium and where feasible, electronic means, or otherwise made available in such a manner as to enable any person to become acquainted with them;

(b) provides an explanation of the objective of, and rationale for, the measure; and

(c) allows for sufficient time between publication and entry into force of laws and regulations, except where it is not possible on grounds of urgency. This provision does not apply in relation to [judicial decisions] and administrative

rulings. Article 28.4 Enquiries 1. Each Party shall establish or maintain appropriate mechanisms for responding to

enquiries from any person regarding any laws or regulations, with respect to any matter covered by this Agreement.

2. Upon request of a Party, the other Party shall promptly provide information and respond to questions pertaining to any law or regulation whether in force or planned, with respect to any matter covered by this Agreement, unless a specific mechanism is established under another Chapter of this Agreement.

Article 28.5. Administrative Proceedings 1. Each Party Shall Administer In an Objective, Impartial, and Reasonable Manner All Laws,

regulations, procedures and administrative rulings of general application with respect to any matter covered by this Agreement.

2. Each Party, in applying such measures to particular [natural and legal]! persons, goods or services of the other Party in specific cases shall:

(a) endeavour to provide persons who are directly affected by administrative proceedings, with reasonable notice, in accordance with its laws and regulations, when proceedings are initiated, including a description of the nature of the proceedings, a statement of the legal authority under which the proceedings are initiated and a general description of any issues in controversy;

(b) afford such persons a reasonable opportunity to present facts and arguments in support of their positions prior to any final administrative decision in so far as time, the nature of the proceedings [and the public interest] permit.

Article 28.6. Review and Appeal

1. Each Party shall establish or maintain judicial, arbitral or administrative tribunals or procedures, for the purpose of the prompt review and, where warranted, correction of administrative decision with respect to any matter covered by this Agreement.

2. Each Party shall ensure that its procedures for appeal or review are carried out in a non-discriminatory and impartial manner by its tribunals. Those tribunals shall be impartial and independent of the authority entrusted with administrative enforcement and shall not have any interest in the outcome of the matter.

3. Each Party shall ensure that with respect to the tribunals or procedures referred to in paragraph 1, the parties to those proceedings are provided with the right to:

(a) areasonable opportunity to support or defend their respective positions; and

(b) a decision based on the evidence and submissions of record or, where required by its law, the record compiled by the relevant authority.

4. The decision in paragraph 3 (b) shall, subject to appeal or further review as provided for in its law, be implemented by the authority entrusted with administrative enforcement.

' Note â to drop if the agreement defines "person" as natural and legal person.

Article 28.7. Relation to other Chapters

The provisions set out in this Chapter supplement the specific rules set out in other Chapters of this Agreement.

Chapter 29. GOOD REGULATORY PRACTICES

Article 29.1. General Principles

1. The Parties recognise the importance of:

a) using good regulatory practices in the process of planning, designing, issuing, implementing, evaluating and reviewing regulatory measures for achieving domestic policy objectives; and

b) maintaining and enhancing the benefits of this Agreement to facilitate trade in goods and services and increasing investment between the Parties.

2. Each Party shall be free to determine its approach to good regulatory practices under this Agreement in a manner consistent with its own legal framework, practice and fundamental principles, including the precautionary principle, underlying its regulatory system.

3. The provisions in this Chapter shall not be construed as to require a Party to: (a) deviate from domestic procedures for preparing and adopting regulatory

measures,

(b) take actions that would undermine or impede the timely adoption of regulatory

measures to achieve its public policy objectives, or

(c) achieve any particular regulatory outcome.

Article 29.2.

Definitions For the purposes of this Chapter:

(a) âregulatory authority" means:

@) for the European Union: the European Commission; and

Gi) âfor Chile: Any regulatory authority of the executive branch. (b) "regulatory measures" means:

(i) for the European Union:

(1) regulations and directives, as provided in Article 288 of the Treaty on the Functioning of the European Union (TFEU);

(2) implementing and delegated acts, as provided in Article 290 and Article 291 TFEU, respectively;

(ii) | For Chile: Laws' and Decrees of general application, adopted by the

regulatory authorities and which compliance is mandatory.

Article 29.3. Scope1. this Chapter Shall Apply to Regulatory Measures by Regulatory Authorities In Respect to

any matter covered by this Agreement.

2. This Chapter does not apply to regulatory authorities and regulatory measures,

ptactices or approaches, of the Member States of the European Union.

Article 29.4. Internal Coordination of Regulatory Development

Each Party shall maintain internal coordination or review processes or mechanisms with respect to regulatory measures that its regulatory authorities are preparing. Such processes or

mechanisms should seek, inter alia, to:

(a) foster good regulatory practices, including those set forth in this Chapter;

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(b) identify and avoid unnecessary duplication and inconsistent requirements in

the Partyâs regulatory measures; (c) consider its international trade obligations; and

(d) promote consideration of the impacts of the regulatory measures under

preparation, including those on small and medium-sized enterprises.

Article 29.5. Transparency of the Regulatory Processes and Mechanisms

Each Party shall make publicly available descriptions, in accordance with its respective rules and procedures, of the processes and mechanisms used by its regulatory authority to prepare, evaluate or review regulatory measures. These descriptions shall refer to relevant guidelines,

tules or procedures, including those regarding opportunities for the public to provide

comments. Article 29.6 Early Information on Planned Regulatory Measures 1. Each party shall endeavour to publish on an annual basis, in accordance with its

repective rules and procedures, information on majorâ planned regulatory measures.

2. With respect to each major regulatory measure included in paragraph 1, each Party

shall endeavour make publicly available, in a timely manner: (a) a brief description of its scope and objectives;

(b) if available, the estimated timing for its adoption , including where applicable

opportunities for public consultations.

2 The regulatory authority of each party may determine whats constitute a major regulatory measure for the purposes of its obligations under this chapter.

Article 29.7. Public Consultations1. When Preparing a Majorâ Regulatory Measure, Each Party Shall When Applicable In

accordance with its respective rules and procedures:

(a) publish either the draft regulatory measures or consultation documents providing sufficient details about regulatory measures under preparation to allow any personâ to assess whether and how the person's interests might be

significantly affected;

(b) offer reasonable opportunities for any person, on a non-discriminatory basis,

to provide comments; and (c) consider the comments received.

2. The regulatory authority of each Party should make use of electronic means of communication and seek to maintain a dedicated electronic portal for the purposes of

providing information and receiving comments related to public consultations.

3. The regulatory authority of each Party shall endeavour make publicly available a summary of the results of the consultations or any comments received, except to the extent necessary to protect confidential information or withhold personal data or

inappropriate content.

Article 29.8. Impact Assessment

1. Each party shall promote that its regulatory authority, in accordance with the applicable rules and procedures, carries out Impact Assessments when proposing

major regulatory measures.

2. When carrying out an impact assessment, the regulatory authority of each Party shall

promote processes and mechanisms that consider the following factors:

3 The regulatory authority of each party may determine whats constitute a major regulatory measure for the purposes of its obligations under this chapter.

4 For greater certainty, this paragraph does not prevent a Party from undertaking targeted consultations with interested parties under conditions defined by its rules and procedures.

(a) the need for the regulatory measure, including the nature and the significance of the problem the regulatory measure intends to address;

(b) feasible and appropriate regulatory and non-regulatory alternatives (including the option of not regulating), if any, that would achieve the Party's public

policy objective;

(c) to the extent possible and relevant, the potential social, economic and environmental impact of those alternatives, including on international trade

and on small and medium-sized enterprises; and

(d) how the options under consideration relate to relevant international standards,

if any, incuding the reason for any divergence, where appropriate.

3. With respect to an impact assessment that a regulatory authority has conducted for a regulatory measure, each Party shall prepare a final report detailing the factors it considered in its assessment and the relevant findings. Such reports shall be made

publicly available when the regulatory measure is made publicly available.

Article 29.9. Retrospective Evaluation

The Parties recognise the positive contribution of periodic retrospective evaluations of regulatory measures in effect to reducing unecessary regulatory burdens, including on small and medium-sized enterprises, and to achieving more effectively public policy objectives. The Parties shall endeavour to promote the use of periodic retrospective

evaluations in their regulatory systems.

Article 29.10. Regulatory Register

Each Party shall ensure that regulatory measures that are in effect are published in a designated register that identifies regulatory measures by topic and that is publicly available on a single, freely accessible internet website. The website should allow searches for

regulatory measures by citations or by word. Each Party shall periodically update its register.

Article 29.11. Cooperation and Exchange of Information

The Parties may cooperate in order to facilitate the implementation of this Chapter. This may include the organisation of any relevant activities to strengthen cooperation between their regulatory authorities and the exchange of information on the regulatory practices set out in this Chapter.

Article 29.12. Contact Points

Within a month after the entry into force of this Agreement, each Party shall designate a contact point to facilitate the exchange of information between the Parties.

Article 29.13. Dispute Settlement

Chapter Chapter X (Dispute Settlement) Shall Not Apply to this Chapter.

Chapter 30. SMALL AND MEDIUM-SIZED ENTERPRISES

Article 30.1. ObjectivesThe Parties Recognise the Importance of Small and Medium-sized Enterprises (hereinafter

referred to as âSMEsâ) in their bilateral trade and investment relations and affirm their commitment to enhance the ability of SMEs to benefit from this Agreement.

Article 30.2. Information Sharing

1. Each Party shall establish or maintain a publicly accessible SMEs specific website containing information regarding this Agreement, including:

(a) asummary of this Agreement; and

(b) information designed for SMEs that shall contain:

G) a description of the provisions in this Agreement that each Party considers to be relevant to SMEs of both Parties; and

Gi) any additional information that each Party considers would be useful for SMEs interested in benefitting from the opportunities provided by this

Agreement.

2. Each Party shall include on the website provided for in paragraph 1 an internet link to the:

(a) text of this Agreement, including all annexes, tariff schedules, and product-

specific rules of origin;

(b)

(c)

equivalent website of the other Party; and

websites of its own authorities that the Party considers would provide useful

information to persons interested in trading and doing business in that Party.

Each Party shall include an internet link in the website provided for in paragraph 1 to

websites of its own authorities with information related to the following:

(a)

(b)

(c)

(d)

(e)

(f)

(g)

customs regulations and procedures for importation, exportation and transit as

well as relevant forms, documents and other information required;

regulations and procedures concerning intellectual property rights, including

geographical indications;

technical regulations including, where necessary, obligatory conformity assessment procedures and links to lists of conformity assessment bodies, in cases where third party conformity assessment is obligatory, as provided for in Chapter

XX on Technical Barriers to Trade;

sanitary and phytosanitary measures relating to importation and exportation as

provided for in Chapter XX on Sanitary and Phytosanitary measures;

rules on public procurement, a database containing public procurement notices

and other relevant provisions contained in Chapter XX on Public Procurement;

company registration procedures; and

other information which the Party considers may be of assistance to SMEs.

Each Party shall include an internet link in the website provided for in paragraph 1 to a

database that is electronically searchable by tariff nomenclature code and that includes

the following information with respect to access to its market:

Tariff measures and tariff-related information

(a)

(b)

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(h)

rates of customs duties and quotas, including most-favoured nation (MEN), rates

concerning non MEN countries and preferential rates and tariff rate quotas;

excise duties;

taxes (value added tax);

customs or other fees, including other product specific fees;

rules of origin as provided for in Chapter XX on Rules of Origin;

duty drawback, deferral, or other types of relief that reduce, refund, or waive

customs duties;

criteria used to determine the customs value of the good; and

other tariff measures;

Tariff nomenclature related non-tariff measures

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G)

information needed for import procedures; and

information related to non-tariff measures or regulations.

Each Party shall regularly, or when requested by the other Party, update the information

and links referred to in paragraphs 1 to 4 that it maintains on its website to ensure they

are up-to-date and accurate.

Each Party shall ensure that information set out in this Article is presented in an

adequate manner to use for SMEs. Each Party shall endeavour to make the information available in English.

No fee shall apply for access to the information provided pursuant to paragraphs 1 to 4 for any person of either Party.

Article 30.3. SME Contact Points

Each Party shall communicate to the other Party its SMEs Contact Point that will carry out the functions listed in this Article. The Parties shall promptly notify each other of any change of those contact details.

The SME Contact Points shall:

(a) ensure that SMEs needs are taken into account in the implementation of this Agreement that SMEs of both sides can take advantage of new opportunities under this Agreement.

(b) ensure that the information referred to in Article X.2 (Information Sharing) is up- to-date and relevant for SMEs. Either Party may, through the SME Contact Point, suggest additional information that the other Party may include in its websites to be maintained in accordance with Article X.2 (Information Sharing);

(c) examine any matter relevant to SMEs in connection with the implementation of

this Agreement, including:

G@) exchanging information to assist the [Trade Committee of this Agreement] in its tasks to monitor and implement the SME-trelated aspects of this

Agreement; Gi) assisting other Committees, Contact Points and Working Groups established by this Agreement, in considering matters of relevance to

SMEs;

(d) report periodically on their activities, jointly or individually, to the [Trade

Committee of this Agreement] for its consideration; and

(e) consider any other matter arising under this Agreement pertaining to SMEs as the Parties may agree.

3. | SME Contact Points shall meet as necessary and shall carry out their work through the communication channels decided by the Parties, which may include electronic mail,

videoconferencing, or other means.

4. SME Contact Points may seek to cooperate with experts and external organisations, as

appropriate, in carrying out their activities.

Article 30.4. Non-Application of Dispute Settlement

No Party shall have recourse to dispute settlement under Chapter 31 for any matter arising under this Chapter.

Chapter 31. DISPUTE SETTLEMENT

Section 1. OBJECTIVE AND SCOPE

Article 31.1. Objective

The objective of this Chapter is to establish an effective and efficient mechanism for avoiding and settling any dispute between the Parties concerning the interpretation and application of this Agreement with a view to reaching, where possible, a mutually agreed solution.

Article 31.2. Scope

This Chapter shall apply with respect to any dispute between the Parties concerning the interpretation and application of the provisions of this part of the Agreement (hereinafter referred to as "covered provisions"), unless otherwise provided in this part of the Agreement.

Section 2. CONSULTATIONS

Article 31.3. Consultations

1. The Parties shall endeavour to resolve any dispute referred to in Article 31.2 (Scope) by entering into consultations in good faith with the aim of reaching a mutually agreed solution.

2. A Party shall seek consultations by means of a written request delivered to the other Party identifying the measure at issue and the covered provisions that it considers applicable.

3. The Party to which the request for consultations is made shall reply to the request promptly, but no later than 10 days after the date of its delivery. Consultations shall

be held within 30 days of the date of delivery of the request and take place, unless the Parties agree otherwise, in the territory of the Party to which the request is made. The consultations shall be deemed concluded within 46 days of the date of delivery of the request, unless the Parties agree to continue consultations.

Consultations on matters of urgency, including those regarding perishable goods or seasonal goods or services, shall be held within 15 days of the date of delivery of the request. The consultations shall be deemed concluded within those 23 days unless the Parties agree to continue consultations.

During consultations each Party shall provide sufficient factual information so as to allow a complete examination of the manner in which the measure at issue could affect the application of this part of the Agreement. Each Party shall endeavour to ensure the participation of personnel of their competent governmental authorities who have expertise in the matter subject to the consultations.

Consultations, and in particular all information designated as confidential and positions taken by the Parties during consultations, shall be confidential, and without prejudice to the rights of either Party in any further proceedings.

If the Party to which the request is made does not respond to the request for consultations within 10 days of the date of its receipt, or if consultations are not held within the timeframes laid down in paragraph 3 or in paragraph 4 respectively, or if the Parties agree not to have consultations, or if consultations have been concluded and no mutually agreed solution has been reached, the Party that sought consultations may have recourse to Article 31.4 (Initiation of Panel Procedures).

Section 3. PANEL PROCEDURES

Article 31.4. Initiation of Panel Procedures

If the Parties fail to resolve the matter through recourse to consultations as provided for in Article 31.3 (Consultations), the Party that sought consultations may request the establishment of a panel.

The request for the establishment of a panel shall be made by means of a written request delivered to the other Party. The complaining Party shall identify the measure at issue in its request, indicate the covered provisions it considers applicable, and

explain how that measure constitutes a breach of the covered provisions in a manner sufficient to present the legal basis for the complaint clearly.

Article 31.5. Establishment of a PanelA Panel Shall Be Composed of Three Panellists.

Within 14 days of the date of receipt by the Party complained against of the written request for the establishment of a panel, the Parties shall consult with a view to agree on the composition of the panel.

If the Parties do not agree on the composition of the panel within the time period provided for in paragraph 2, each Party shall appoint a panellist from the sub-list of that Party established under Article 31.7 (List of Panellists) within 10 days from the expiry of the time period established in paragraph 2. If the Party complained against does not appoint a panellist from its sub-list within that time period, the co-chair of the Trade Committee from the complaining Party shall select by lot, within five days from the expiry of that time period, the panellist from the sub-list of that Party. The co-chair of the Trade Committee from the complaining Party may delegate such selection by lot of the panellist.

If the Parties do not agree on the chairperson of the panel within the time period established in paragraph 2, the co-chair of the Trade Committee from the complaining Party shall select by lot, within 10 days from the expiry of that time period, the chairperson of the panel from the sub-list of chairpersons established under Article 31.7 (List of Panellists). The co-chair of the Trade Committee from the complaining Party may delegate such selection by lot of the chairperson of the panel.

The panel shall be deemed to be established 15 days after the three selected panellists have have notified the Parties their acceptance of appointment in accordance with Annex X (Rules of Procedure), unless the Parties agree otherwise. Each Party shall promptly make public the date of establishment of the panel.

If any of the lists provided for in Article 31.7 (List of Panellists) have not been established or do not contain sufficient names at the time a request is made pursuant to paragraphs 3 or 4, the panellists shall be drawn by lot from the individuals who have been formally proposed by one Party or both Parties, in accordance with Annex X (Rules of Procedure).

Article 31.6. Choice of Forum

When a dispute arises regarding a particular measure in alleged breach of an obligation under this part of the Agreement and a substantially equivalent obligation under another international agreement to which both Parties are party, including the WTO Agreement, the Party seeking redress shall select the forum in which to settle the dispute.

Once a Party has selected the forum and initiated dispute settlement procedures under this Section or under another international agreement with respect to the particular measure referred to in paragraph 1, the Party shall not initiate dispute settlement procedures under another international agreement or this Section, respectively, unless the forum selected first fails to make findings for procedural or jurisdictional reasons.

For the purposes of this Article:

dispute settlement procedures under this Section are deemed to be initiated by a Party's request for the establishment of a panel under Article 31.4 (Initiation of Panel Procedures);

dispute settlement procedures under the WTO Agreement are deemed to be initiated by a Partyâs request for the establishment of a panel under Article 6 of the Understanding on Rules and Procedures Governing the Settlement of Disputes of the WTO;

dispute settlement procedures under any other agreement are deemed to be initiated in accordance with the relevant provisions of that agreement.

Without prejudice to paragraph 2, nothing in this part of the Agreement shall preclude a Party from suspending obligations authorised by the Dispute Settlement Body of the WTO or authorised under the dispute settlement procedures of another international agreement to which the disputing Parties are party. The WTO Agreement or any other international agreement between the Parties shall not be invoked to preclude a Party from suspending obligations under this Section.

Article 31.7. Lists of Panellists

The Trade Committee shall, no later than six months after the date of entry into force of this Agreement, establish a list of at least 15 individuals who are willing and able to serve as panellists. The list shall be composed of three sub-lists:

(a) one sub-list of individuals established on the basis of proposals by the European Union;

(b) one sub-list of individuals established on the basis of proposals by the Republic of Chile; and

(c) one sub-list of individuals that are not nationals of either Party and who shall serve as chairperson to the panel.

Each sub-list shall include at least five individuals. The Trade Committee shall ensure that the list is always maintained at this minimum number of individuals.

The Trade Committee may establish additional lists of individuals with expertise in specific sectors covered by this part of the Agreement. Subject to the agreement of the Parties, such additional lists shall be used to compose the panel in accordance with the procedure set out in Article 31.5 (Establishment of the Panel).

Article 31.8. Requirements for PanellistsEach Panellist Shall:

(a) have demonstrated expertise in law, international trade and other matters covered by this part of the Agreement;

(b) be independent of, and not be affiliated with or take instructions from, either Party;

(c) serve in their individual capacities and not take instructions from any organisation or government with regard to matters related to the dispute; and

(d) comply with Annex XX (Code of Conduct for Panellists and Mediators).

The chairperson shall also have experience in dispute settlement procedures.

In view of the subject-matter of a particular dispute, the Parties may agree to derogate from the requirements listed in subparagraph 1(a).

Article 31.9. Functions of the PanelThe Panel:

(a)

(b)

(c)

shall make an objective assessment of the matter before it, including an objective assessment of the facts of the case and the applicability of and conformity with the covered provisions;

shall set out, in its decisions and reports, the findings of facts, the applicability of the covered provisions and the basic rationale behind any findings and conclusions that it makes; and

should consult regularly with the Parties and provide adequate opportunities for the development of a mutually agreed solution.

Article 31.10. Terms of Reference

Unless the Parties agree otherwise within five days after the date of establishment of the panel, the terms of reference of the panel shall be: âto examine, in the light of the relevant provisions of this Agreement cited by the Parties, the matter referred to in the request for the establishment of the panel, to make findings on the conformity of the measure at issue with the provisions of this Agreement referred to in Article 31.2 (Scope) and to deliver a report in accordance with Articles 31.12 (Interim Report and Final Report) and XX.12] (Panel Report).â

If the Parties agree on other terms of reference, they shall notify the agreed terms of reference to the panel within the time period set out in paragraph 1.

Article 31.11. Decision on Urgency

If a Party so requests, the panel shall decide, within 10 days of its establishment, whether the case concerns matters of urgency.

In cases of urgency, the applicable time periods set out in Section 3 (Dispute Settlement Procedures) in this Chapter shall be half the time prescribed therein, except for the time periods referred to in Article 31.5 (Establishment of a Panel) and Article 31.10 (Terms of Reference).

Article 31.12. Interim and Final Report

The panel shall deliver an interim report to the Parties within 90 days after the date of establishment of the panel. When the panel considers that this deadline cannot be met, the chairperson of the panel shall notify the Parties in writing, stating the reasons for the delay and the date on which the panel plans to deliver its interim report. The panel shall, under no circumstances, deliver its interim report later than 120 days after the date of establishment of the panel.

Each Party may deliver to the panel a written request to review precise aspects of the interim report within 10 days of its delivery. A Party may comment on the other's Party's request within six days of the delivery of the request.

If no written request to review precise aspects of the interim report is delivered within the time period referred to in paragraph 2, the interim report shall become the final report.

The panel shall deliver its final report to the Parties within 120 days of the date of establishment of the panel. When the panel considers that this deadline cannot be met, the chairperson of the panel shall notify the Parties in writing, stating the reasons for the delay and the date on which the panel plans to deliver its final report. The panel shall, under no circumstances, deliver its final report later than 150 days after the date of establishment of the panel.

The final report shall include a discussion of any written request by the Parties on the interim report and clearly address the comments of the Parties. The panel shall set out in the interim and final reports:

(a) a descriptive section summarising the arguments of the Parties and on the comments referred to in paragraph 2;

(b) its findings on the facts of the case and on the applicability of the relevant covered provisions;

(c) its findings on whether the measure is or is not in conformity with the relevant covered provisions; and

(d) its reasons for its findings and conclusions.

The final report shall be final and binding on the Parties.

Article 31.13. Compliance Measures

The Party complained against shall take any measure necessary to comply promptly with the findings and conclusions in the final report in order to bring itself in compliance with the covered provisions.

The Party complained against shall, no later than 30 days after delivery of the final report, notify to the complaining Party of the measures which it has taken or which it envisages to take to comply.

Article 31.14. Reasonable Period of Time

If immediate compliance is not possible, the Party complained against shall, no later than 30 days after delivery of the final report, notify to the complaining Party of the length of the reasonable period of time it will require for compliance. The Parties shall endeavour to agree on the length of the reasonable period of time to comply with the final report.

If the Parties have not agreed on the length of the reasonable period of time, the complaining Party may, at the earliest 20 days after the delivery of the notification in paragraph 1, request in writing the original panel to determine the length of the reasonable period of time. The panel shall deliver its decision to the Parties within 20 days of the date of delivery of the request.

The Party complained against shall deliver a written notification of its progress in complying with the final report to the complaining Party at least one month before the expiry of the reasonable period of time.

The Parties may agree to extend the reasonable period of time.

Article 31.15. Compliance Review

The Party complained against shall, no later than at the date of expiry of the reasonable period of time, deliver a notification to the complaining Party of any measure that it has taken to comply with the final report.

When the Parties disagree on the existence or the consistency with the covered provisions of any measure taken to comply, the complaining Party may deliver a request, in writing, to the original panel to decide on the matter. The request shall identify any measure at issue and explain how that measure constitutes a breach of the covered provisions in a manner sufficient to present the legal basis for the complaint clearly. The panel shall deliver its decision to the Parties within 46 days of the date of delivery of the request.

Article 31.16. Temporary Remedies

Upon request by and after consultations with the complaining Party, the Party complained against shall present an offer for temporary compensation if:

(a) the Party complained against delivers a notification to the complaining Party that it is not possible to comply with the final report; or

(b) the Party complained against fails to deliver a notification of any measure taken to comply or which it envisages to take to comply, within the deadline referred to in Article 31.13 (Compliance Measures) or of any measure taken to comply before the date of expiry of the reasonable period of time; or

(c) the panel finds that no measure taken to comply exists or that the measure taken to comply is inconsistent with the covered provisions, in accordance with Article 31.15 (Compliance Review).

In any of the conditions referred to in subparagraphs 1(a) to (c), the complaining Party may deliver a written notification to the Party complained against that it intends to suspend the obligations under the covered provisions if:

(a) the complaining Party decides not to make a request under paragraph 1; or

(b) the Parties do not agree on the temporary compensation, within 20 days after the expiry of the reasonable period of time or the delivery of the panel decision under Article 31.15 (Compliance Review) when a request under paragraph 1 is made.

The notification shall specify the level of intended suspension of obligations.

The complaining Party may suspend the obligations 10 days after the date of delivery of the notification referred to in paragraph 2, unless the Party complained against made a request under paragraph 5.

The suspension of obligations shall not exceed the level equivalent to the nullification or impairment caused by the violation.

In considering what obligations to suspend, the complaining Party should first seek to suspend the obligations in the same sector or sectors as that affected by the measure that the panel has found to be inconsistent with this Agreement or cause nullification or impairment. The suspension of obligations may be applied to other sectors covered by this Agreement than the one or ones in which the panel has found nullification or impairment, in particular if the complaining Party is of the view that such suspension in the other sector is practicable or effective in inducing compliance.

If the Party complained against considers that the notified level of suspension of obligations exceeds the level equivalent to the nullification or impairment caused by the violation, it may deliver a written request to the original panel before the expiry of the 10 day period set out in paragraph 3 to decide on the matter. The panel shall deliver its decision on the level of the suspension of obligations to the Parties within 30 days of the date of the request. Obligations shall not be suspended until the panel has delivered its decision. The suspension of obligations shall be consistent with this decision.

The suspension of obligations, or the compensation referred to in this Article, shall be temporary and shall not be applied after:

(a) the Parties have reached a mutually agreed solution pursuant to Article 31.31 (Mutually Agreed Solutions)

(b) the Parties have agreed that the measure taken to comply brings the Party complained against into conformity with the covered provisions; or (c) any measure taken to comply which the panel has found to be inconsistent

with the covered provisions has been withdrawn or amended so as to bring the Party complained against into conformity with those provisions.

Article 31.17. Review of Measures Taken to Comply after Temporary Remedies

1. The Party complained against shall deliver a notification to the complaining Party of any measure it has taken to comply

following the suspension of obligations or following the application of temporary compensation, as the case may be. With the exception of cases under paragraph 2, the complaining Party shall terminate the suspension of obligations within 30 days from the delivery of that notification. In cases where compensation has been applied, and with the exception of cases under paragraph 2, the Party complained against may terminate the application of such compensation within 30 days from delivery of its notification that it has complied.

2. If the Parties do not reach an agreement on whether the notified measure brings the Party complained against into conformity with the covered provisions within 30 days of the date of delivery of the notification, the complaining Party shall deliver a written request to the original panel to decide on the matter. The panel shall deliver its decision to the Parties within 46 days of the date of the delivery of the request. If the panel finds that the measure taken to comply is in conformity with the covered provisions, the suspension of obligations or compensation, as the case may be, shall be terminated. When relevant, the complaining Party shall adjust the level of suspension of obligations or of compensation in light of the panel decision.

3. If the Party complained against considers that the level of suspension implemented by the complaining Party exceeds the level equivalent to the nullification or impairment caused by the violation, it may deliver a written request to the original panel to decide on the matter.

Article 31.18. Replacement of Panellists

If during dispute settlement procedures, a panellist is unable to participate, withdraws or needs to be replaced because he or she does not comply with the requirements of Annex XX (Code of Conduct for Panellists and Mediators), the procedure provided for in Article 31.5

(Establishment of Panels) applies. The time period for the delivery of the report or decision shall be extended for the time necessary for the appointment of the new panellist.

Article 31.19. Rules of Procedure

1. Panel procedures shall be governed by this Chapter and Annex X (Rules of Procedure).

2. Any hearing of the panel shall be open to the public unless otherwise provided in Annex X (Rules of Procedure).

Article 31.20. Suspension and Termination

At the request of both Parties, the panel shall suspend its work at any time for a period agreed by the Parties and not exceeding 12 consecutive months. The panel shall resume its work before the end of the suspension period at the written request of both Parties, or at the end of the suspension period at the written request of either Party. The requesting Party shall deliver a notification to the other Party accordingly. If a Party does not request the resumption of the panel's work at the expiry of the suspension period, the authority of the panel shall lapse and the dispute settlement procedure shall be terminated. In the event of a suspension of the work of the panel, the relevant time periods under this Section shall be extended by the same period of time for which the work of the panel was suspended.

Article 31.21. Receipt of Information

1. At the request of a Party, or upon its own initiative, the panel may seek, from the Parties, relevant information it considers necessary and appropriate. The Parties shall respond promptly and fully to any request by the panel for such information.

2. Upon the request of a Party or its own initiative, the panel may seek any information it deems appropriate from any source. The panel also has the right to seek the opinion, including information and technical advice of experts, as it deems appropriate, and subject to any terms and conditions agreed by the Parties, where applicable.

3. The panel shall consider amicus curiae submissions from natural persons of a Party or legal persons established in a Party in accordance with Annex X (Rules of Procedure).

4. Any information obtained by the panel under this Article shall be disclosed to the Parties and the Parties may provide comments on that information.

Article 31.22. Rules of Interpretation

The panel shall interpret the covered provisions in accordance with customary rules of interpretation of public international

law, including those codified in the 1969 Vienna Convention on the Law of Treaties. The panel shall also take into account relevant interpretations in reports of WTO panels and the Appellate Body adopted by the Dispute Settlement Body of the WTO. Reports and decisions of the panel cannot add to or diminish the rights and obligations of the Parties under this part of the Agreement.

Article 31.23. Reports and Decisions of the Panel

1. The deliberations of the panel shall be kept confidential. The panel shall make every effort to draft reports and take decisions by consensus. If this is not possible, the panel shall decide the matter by majority vote. In no case shall separate opinions of arbitrators be disclosed.

2. Each Party shall make the reports and decisions of the panel and its submissions publicly available, subject to the protection of confidential information.

3. The decisions and reports of the panel shall be accepted unconditionally by the Parties. They shall not create any rights or obligations to natural or legal persons.

4. The panel and the Parties shall treat as confidential any information submitted by a Party to the panel in accordance with Annex X (Rules of Procedure).

Section 4. MEDIATION MECHANISM

Article 31.24. Objective

The objective of the mediation mechanism is to facilitate the finding of a mutually agreed solution through a comprehensive and expeditious procedure with the assistance of a mediator. The mediation procedure may only be initiated by mutual agreement of the Parties in order to explore mutually agreed solutions and consider any advice and proposed solutions by the mediator.

Article 31.25. Initiation of the Mediation Procedure

A Party may at any time request to enter into a mediation procedure with respect to any measure by a Party adversely affecting trade or investment between the Parties.

The request referred to in paragraph 1 shall be in writing and delivered to the other Party. The request shall be sufficiently detailed to present the concerns of the requesting Party clearly and shall:

a) identify the specific measure at issue;

b) provide a statement of the adverse effects that the requesting Party considers the measure has, or will have, on trade or investment between the Parties; and

c) explain how the requesting Party considers that those effects are linked to the measure.

The Party to which the request is made shall give sympathetic consideration to the request and deliver its written acceptance or rejection to the requesting Party within 10 days of its delivery. Otherwise the request shall be regarded as rejected.

Article 31.26. Selection of the Mediator

The Parties shall endeavour to agree on a mediator within 14 days of the initiation of the mediation procedure.

In the event that the Parties are unable to agree on the mediator within the time period laid down in paragraph 1, either Party may request the co-chair of the Trade Committee from the requesting Party to select the mediator by lot, within five days from the request, from the sub-list of chairpersons established under Article 31.6 (Lists of Panellists). The co-chair of the Trade Committee from the requesting Party may delegate such selection by lot of the mediator.

Should the sub-list of chairpersons referred to in Article 31.6 (Lists of Panellists) not be established at the time a request is made pursuant to Article 31.25 (Initiation of the Mediation Procedure), the mediator shall be drawn by lot from the individuals formally proposed by one or both of the Parties for that sub-list.

A mediator shall not be a national of either Party or employed by either Party, unless the Parties agree otherwise.

A mediator shall comply with Annex XX (Code of Conduct for Panellists and Mediators).

Article 31.27. Rules of the Mediation Procedure

Within 10 days of the appointment of the mediator, the requesting Party shall deliver to the mediator and to the other Party a detailed written description of its concerns, in particular of the operation of the measure at issue and its possible adverse effects on trade or investment. Within 20 days of the receipt of this description, the other Party may deliver written comments on this description. Either Party may include any information that it deems relevant in its description or comments.

The mediator shall assist the Parties in a transparent manner in bringing clarity to the measure concerned and its possible adverse effects on trade or investment. In particular, the mediator may organise meetings between the Parties, consult the Parties jointly or individually, seek the assistance of, or consult with, relevant experts and stakeholders and provide any additional support requested by the Parties. The mediator shall consult with the Parties before seeking the assistance of, or consulting with, relevant experts and stakeholders.

The mediator may offer advice and propose a solution for the consideration of the Parties. The Parties may accept or reject the proposed solution, or agree on a different solution. The mediator shall not advise or comment on the consistency of the measure at issue with this part of the Agreement.

The mediation procedure shall take place in the territory of the Party to which the request was addressed, or by mutual agreement in any other location or by any other means.

The Parties shall endeavour to reach a mutually agreed solution within 60 days of the appointment of the mediator. Pending a final agreement, the Parties may consider possible interim solutions, particularly if the measure relates to perishable goods or seasonal goods or services.

Upon request of either Party, the mediator shall deliver a draft factual report to the Parties, providing:

(a) a brief summary of the measure at issue; (b) the procedures followed; and

(c) if applicable, any mutually agreed solution reached, including possible interim solutions.

7. The mediator shall allow the Parties 15 days to comment on the draft report. After considering the comments of the Parties received, the mediator shall, within 15 days, deliver a final factual report to the Parties. The factual report shall not include any interpretation of this part of the Agreement.

The procedure shall be terminated:

(a)

(b)

(c)

(d)

by the adoption of a mutually agreed solution by the Parties, on the date of the notification thereof to the mediator;

by mutual agreement of the Parties at any stage of the procedure, on the date of the notification of that agreement to the mediator;

by a written declaration of the mediator, after consultation with the Parties, that further efforts at mediation would be to no avail, on the date of the notification of that declaration to the Parties; or

by a written declaration of a Party after exploring mutually agreed solutions under the mediation procedure and after having considered any advice and proposed solutions by the mediator, on the date of that declaration.

Article 31.28. ConfidentialityUnless the Parties Agree Otherwise, All Steps of the Mediation Procedure, Including Any Advice or Proposed Solution, Are Confidential. Any Party May Disclose to the Public the Fact That Mediation Is Taking Place.

Article 31.29. Relationship to Dispute Settlement Procedures1. the Mediation Procedure Is without Prejudice to the Partiesâ Rights and Obligations Under Sections 2

and 3 or Under Dispute Settlement Procedures Under Any other Agreement.

2. A Party shall not rely on, or introduce as evidence, in other dispute settlement procedures under this Agreement or any other agreement, nor shall a panel take into consideration:

(a)

positions taken by the other Party in the course of the mediation procedure or information exclusively gathered under paragraph 2 of Article 31.27 (Rules of the Mediation Procedure);

(b) the fact that the other Party has indicated its willingness to accept a solution to the measure subject to mediation; or (c) advice given or proposals made by the mediator. 3, Unless the Parties agree otherwise, a mediator shall not serve as a member of a panel

in dispute settlement procedures under this agreement or under any other agreement involving the same matter for which he or she has been a mediator.

Section 5. COMMON PROVISIONS

Article 31.30. Request for Information

Before a request for consultations or mediation is made pursuant to Article 31.3 or 31.27 respectively, a Party may deliver a written request for information regarding a measure adversely affecting trade or investment between the Parties. The Party to which such request is made shall, within 20 days of delivery of the request, deliver a written response containing its comments on the requested information.

When the responding Party considers it will not be able to deliver a response within 20 days of delivery of the request, it shall promptly notify the requesting Party, stating the reasons for the delay and providing an estimate of the shortest period within which it will be able to deliver its response.

A Party is normally expected to avail itself of this provision before the initiation of the mediation procedure or the delivery of the request for consultations.

Article 31.31. Mutually Agreed Solution

The Parties may reach a mutually agreed solution at any time with respect to any dispute referred to in Article 31.2 (Scope).

If a mutually agreed solution is reached during the panel or mediation procedure, the Parties shall jointly notify that solution to the chairperson of the panel or the mediator, respectively. Upon such notification, the panel or the mediation procedure shall be terminated.

Each Party shall take measures necessary to implement the mutually agreed solution immediately or within the agreed time period, as applicable.

No later than at the expiry of the agreed time period the implementing Party shall inform the other Party, in writing, of any measure that it has taken to implement the mutually agreed solution.

Article 31.32. Time Periods

All time periods laid down in this Chapter shall be counted in calendar days from the day following the act to which they refer.

2. Any time period referred to in this Chapter may be modified by mutual agreement of the Parties.

3. Under Section 3, the panel may at any time propose to the Parties to modify any time period referred to in this Chapter, stating the reasons for the proposal.

Article 31.33. Costs

1. Each Party shall bear its own expenses derived from the participation in the panel or mediation procedure.

2. The Parties shall share jointly and equally the expenses derived from organisational matters, including the remuneration

and expenses of the panellists and of the mediator. The remuneration of the panellists and of the mediator shall be in accordance with that foreseen for a chairperson of an arbitration Panel in accordance with Annex X (Rules of Procedure).

Article 31.34. Annexes

The Trade Council may modify the Annexes X (Rules of Procedure) and XX (Code of Conduct for Panellists and Mediators).

Chapter 32. EXCEPTIONS

Article 32.1. General Exceptions

1. For the purposes of Chapter 2 [Trade in Goods], Chapter 4 [Customs and Trade Facilitations], Chapter 8 [Energy and Raw Materials], Chapter 22 [State Owned Enterprises], Chapter 10 [Investment Liberalisation]', Chapter 19 [Digital Trade], Article XX of the GATT 1994, including its Notes and Supplementary Provisions, is incorporated into and made part

of this Agreement, mutatis mutandis.

2. Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where like conditions prevail, or a disguised restriction on investment liberalization or trade in services, nothing in Chapter 10 [Investment Liberalisation], Chapter 11 [Trade in Services], Chapter 20 [Capital Movement], Chapter 19 [Digital Trade] , Chapter 8 [Energy and Raw Materials] and Chapter 22 [State-Owned Enterprises] shall be construed to prevent the adoption or

enforcement by either Party of measures:

(a) necessary to protect public security or public morals or to maintain public orderâ; (b) necessary to protect human, animal or plant life or health;

(c) necessary to secure compliance with laws or regulations which are not inconsistent with

the provisions of this Agreement including those relating to:

(i) | the prevention of deceptive and fraudulent practices or to deal with the effects of

a default on contracts;

' This provision shall not apply to Article 10.7 (Public Procurement) of Chapter 10 [Investment Liberalisation]. ? This provision shall not apply to Article 10.7 (Public Procurement) of Chapter 10 [Investment Liberalisation]. 3 For greater certainty, nothing in this Article shall be construed as a means of limiting the rights set out in Annex XX (Transfers) of the Investment Chapter.

4 The public security and public order exceptions may be invoked only where a genuine and sufficiently serious threat is posed to one of the fundamental interests of society.

Gi) the protection of the privacy of individuals in relation to the processing and dissemination of personal data and the protection of confidentiality of individual

records and accounts;

Gii) safety.

3. For greater certainty, the Parties understand that, to the extent that such measures are

otherwise inconsistent with the provisions of the aforementioned Chapters/Sections:

(a) the measures referred to in point (b) of Article XX of GATT 1994 and in point (b) of paragraph 2 of this Article include environmental measures, which are necessary to protect

human, animal or plant life or health;

(b) point (g) of Article XX of GATT 1994 applies to measures relating to the conservation

of living and non-living exhaustible natural resources; and

(c) measures taken to implement multilateral environmental agreements can fall under points (b) or (g) of Article XX of GATT 1994 or under point (b) of paragraph 2 of this Article.

4. Before a Party takes any measures provided for in points (i) and (j) of Article XX of GATT 1994 that Party shall provide the other Party with all relevant information, with a view to seeking a solution acceptable to the Parties. If no agreement is reached within 30 days of providing the information, the Party may apply the relevant measures. Where exceptional and critical circumstances requiring immediate action that makes prior information or examination impossible, the Party intending to take the measures may apply forthwith precautionary measures necessary to deal with the situation. That Party shall inform the other Party immediately thereof.

Article 32.2. Security Exceptions

1. Nothing in this Agreement shall be construed:

(a) to require a Party to furnish or allow access to any information the disclosure of which

it considers contrary to its essential security interests; or

(b) to prevent a Party from taking an action which it considers necessary for the protection

of its essential security interests:

(ij) connected to the production of or traffic in arms, ammunition and implements of war and to such traffic and transactions in other goods and materials, services and technology, and to economic activities, carried out directly or indirectly for the

purpose of supplying a military establishment;

Gi) relating to fissionable and fusionable materials or the materials from which they

are derived; or

(ii) taken in time of war or other emergency in international relations; or

(c) to prevent a Party from taking any action in pursuance of its obligations under the

United Nations Charter for the maintenance of international peace and security.

2. The Trade Committee shall be informed to the fullest extent possible of

measures taken under paragraphs 1(b) and (c) and of their termination.

Article 32.3. Taxation

1. For the purposes of this Article:

(a) "residence" means residence for tax purposes;

(b) âtax agreement" means an agreement for the avoidance of double taxation or any other

international agreement or arrangement relating wholly or mainly to taxation to which

the European Union or its Member States or Chile is party; and

(c)

"taxation measure" means a measure in application of the tax legislation of the

European Union, of its Member States or Chile.

This Agreement applies to taxation measures only in so far as such application is

necessary to give effect to the provisions of this Agreement.

Nothing in this Agreement shall affect the rights and obligations of the European Union, of its Member States or of Chile under any tax agreement. In the event of any inconsistency between this Agreement and any such tax agreement, the tax agreement shall prevail to the extent of the inconsistency. With regard to a tax agreement between the European Union or its Member States and Chile, the relevant competent authorities, of the European Union and/or of its Member States, on the one hand, and of Chile, on the other hand, under this Agreement and that tax agreement shall jointly determine

whether an inconsistency exists between this Agreement and the tax agreement.

Any most-favoured-nation obligation in this Agreement shall not be applicable with respect to an advantage accorded by the European Union, by its Member States or by

Chile pursuant to a tax agreement.

Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where like conditions prevail, or a disguised restriction on trade and investment, nothing in this Agreement shall be construed to prevent the adoption, maintenance or enforcement by a Party of any measure aimed at ensuring the equitable or effective imposition or

collection of direct taxes that:

(a) _ distinguishes between taxpayers, who are not in the same situation, in particular with regard to their place of residence or with regard to the place where their capital is

invested; or

(b) aims at preventing the avoidance or evasion of taxes pursuant to the provisions

of any tax agreement or domestic fiscal legislation.

Article 32.4. Disclosure of Information

1. Nothing in this Agreement shall be construed to require a Party to make available confidential information, the disclosure of which would impede law enforcement, or otherwise be contrary to the public interest, or which would prejudice the legitimate commercial interests of particular enterprises, public or private except where a panel requires such confidential information in dispute settlement proceedings under Chapter 31 [Dispute Settlement]. In such cases, the panel shall ensure that confidentiality is fully protected.

2. When a Party submits information to the Trade Committee or to specialised committees which is considered as confidential under its laws and regulations, the other Party

shall treat that information as confidential, unless the submitting Party agrees otherwise.

Article 32.5. WTO Waivers

If an obligation in this Agreement is substantially equivalent to an obligation contained in the WTO Agreement, any measure taken in conformity with a waiver adopted pursuant to Article IX of the WTO Agreement is deemed to be in conformity with the substantively equivalent

provision in this Agreement.

Chapter 33. INSTITUTIONAL AND FINAL PROVISIONS

Section SECTION a Institutional Provisions

Article 33.1. The Trade Council

1. A Trade Council is hereby established, which shall oversee the fulfilment of the objectives of this Agreement and supervise its implementation. It shall examine any major

issues arising within the framework of this Agreement.

2. The Trade Council shall meet at regular intervals, normally on a biennial basis or as

otherwise mutually agreed.

3. The Trade Council shall be composed of representatives designated by Chile and the European Union with responsibility for trade matters. The Trade Council shall be co-chaired

by a representative of the Union and a representative of Chile.

4. The Trade Council shall have the power to adopt decisions in the cases provided for in this Agreement, and to make

appropriate recommendations, in accordance with its rules of procedure. The Trade Council shall adopt its decisions and recommendations by mutual agreement. Decisions shall be binding on the Parties, which shall take all necessary measures to implement them. A decision shall take effect on the date agreed by the Trade Council.

5. | The Trade Council shall establish its own rules of procedure at its first session. It shall also establish the rules of procedure of the Trade Committee. 6. The Trade Council may:

(a) delegate any of its functions to the Trade Committee, including the power to take binding decisions;

(b) adopt decisions to amend this Agreement in the following casesâ:

ii.

iii.

iv.

vi.

vii.

viii.

xi.

Annex XXX (Elimination of Customs Duties), with the object of

incorporating one or more goods into the tariff reduction schedule;

the Schedules attached to Annex XXX (Elimination of Customs Duties) in order to accelerate tariff dismantling;

Appendix XXX, Appendix XXX and Appendix XXX to Annex XXX (Elimination of Customs Duties);

Rules of Origin /to be specified]; Annex XXXX (Government Procurement); Annex XXXX (Protected Geographical Indications);

Annex XX (Equivalency [SPS chapter]); Annex XX (Rules of Procedure [Dispute Settlement chapter])

Annex XX (Code of Conduct for Panelists and Mediators [Dispute Settlement chapter]);

Annex XXI (Sub-Committees); and

Any other provision, protocol, appendix or annex, for which the possibility

of such decision is explicitly foreseen in this Agreement.

(c) adopt decisions to issue binding interpretations of the provisions of this Agreement.

Such interpretations shall be binding on the Parties and all bodies established under this

Agreement, including the panels referred to under Chapter 31 (Dispute Settlement).

1 Chile shall implement any decisions adopted by the Trade Council through acuerdos de ejecuciÃ©n (executive agreements), in accordance with Chilean law.

(a)

(b)

(c)

(d)

(e)

(f)

(g)

Article 33.2. The Trade Committee

A Trade Committee is hereby established. The Trade Committee shall be responsible for the general implementation of this Agreement.

The Trade Committee shall be composed of representatives of the European Union and Chile with responsibility for trade-related matters. The Trade Committee shall be

co-chaired by a representative of the European Union and a representative of Chile.

The Trade Committee shall: assist the Trade Council in the performance of its duties;

be responsible for the proper implementation and application of the provisions of this Agreement. In this respect, and without prejudice to the rights established in Chapter 31 (Dispute Settlement) of this agreement, any Party may refer for discussion within the Trade Committee any issue relating to the application or interpretation of this Agreement;

oversee the further elaboration of the provisions of this Agreement as necessary and evaluate the results obtained from its application;

seek appropriate ways of preventing and solving problems which might otherwise arise in areas covered by this Agreement;

supervise the work of all Sub-Committees established under the this Agreement;

have the power to adopt decisions by mutual agreement in the cases provided for in this Agreement or where such power has been delegated to it by the Trade Council. They shall be binding on the Parties specified by the decision, which shall take all necessary measures to implement them. When exercising delegated powers, the Trade Committee shall take its decisions in accordance with the Rules of Procedure of the Trade Council;

have the power to adopt recommendations by mutual agreement in the cases provided for in this Agreement, or where such power has been delegated to it by the Trade Council; and

(h) examine any effects on this Agreement of the accession of a new Member Stater to the European Union.

4. In the performance of its duties under paragraph 3, the Trade Committee may:

(a) establish additional Sub-Committees and other bodies from those established in this Agreement, composed of representatives of the European Union and of Chile, and assign them responsibilities within its competence. It may also decide to modify the functions that are assigned to the Sub-Committees and other bodies it establishes, as

well as dissolve them;

(b) adopt the decisions to amend the Agreement or to issue the interpretations referred to in Article 33.1 in between meetings of the Trade Council, when the Trade

Council cannot meet or when the Agreement so provides.â

5. The Trade Committee shall meet once a year, or as otherwise decided by mutual agreement. The meeting shall take place on a date and with an agenda agreed in advance by Chile and the European Union, in Brussels and Santiago alternately. Special meetings may be convened, by mutual agreement. Meetings may also be held

through any technological means accepted in the rules of procedure.

Article 33.3. Coordinators

1. The European Union and Chile shall appoint a Coordinator for this Agreement, within sixty days after the entry into force of this Agreement and notify each other the contact details.

2. The coordinators shall jointly establish the agenda and conduct all other necessary preparations for the meetings of the Trade Council and the Trade Committee

? Chile shall implement any decisions adopted by the Trade Committee through acuerdos de ejecuciÃ©n (executive agreements), in accordance with Chilean law.

according to the above provisions, and shall follow-up on the decisions of such

bodies, as appropriate.

Article 33.4. Sub-Committees and other Bodies

1. The Trade Committee may establish Sub-Committees or other bodies to assist in the performance of its duties and to address specific tasks or subject matters. It may change the tasks assigned to, or dissolve, any Sub-Committee or body set up by it pursuant to this paragraph.

2. The Trade Council may also establish the bodies referred to in paragraph 1, by mutual

agreement.

3. The Parties hereby establish the following Sub-Committees and other bodies:

(a) Sub-Committee on Customs Trade Facilitation and Rules of Origin (b) Sub-Committee on Sanitary and Phytosanitary Measures

(c) Sub-Committee on Services and Investment

(d) Sub-Committee on Financial Services

(e) (list all the other Sub committees established by this Agreement)

4. Sub-Committees and other bodies shall be composed of representatives of the European Union, on the one part, and of representatives of Chile, on the other part, and shall be co-chaired by both Parties.

5. Except as otherwise provided for in this Agreement, or as agreed between the Parties, Sub-Committees shall meet within a year of the date of entry into force of this Agreement and, thereafter, at the request of either Party or of the Trade Committee, at an appropriate level. They may also convene at their own initiative, subject to any relevant requirements that

may be established in their respective rules of procedure. Meetings shall take place in person

or by any technological means agreed by its members. When in person, meetings shall be held alternately in Brussels or Santiago.

6. Except as otherwise provided for in this Agreement, Sub-Committees and other bodies established pursuant to this Article shall report on their activities to the Trade Committee, regularly or when requested.

7. The circumstance that any matter or issue is being considered by any of the Sub- Committees shall not prevent the Trade Committee or the trade Council from dealing with the

same question.

8. The Trade Committee may establish the rules of procedure of the Sub-Committees, if it deems so appropriate. As long as the Trade Committee does not establish their rules of

procedure, the rules of procedure for the Trade Committee shall apply mutatis mutandis.

9. The Sub-Committees and other bodies may make appropriate recommendations in the cases provided for under this Agreement. Recommendations shall be made by mutual

consent.

Article 33.5. Participation of Civil Society

The Parties shall promote the participation of civil society in the implementation of this Agreement, in particular through interaction with the Civil Society Forum referred to in Articles 33.7, and with their respective Domestic Consultative Group, referred to in Article 33.6.

Article 33.6. Domestic Consultative Groups

1. Chile and the European Union shall each create or designate a Domestic Consultative Group within two years from the entry into force of this Agreement. Each of them shall

comprise a balanced representation of independent civil society organisations, namely, non- governmental organisations, trade unions, and business and employersâ organisations. For these purposes, Chile and the European Union shall each establish their own appointment tules in order to determine the composition of their respective Domestic Consultative Group, enabling opportunities of access to actors coming from different sectors. The membership of each Domestic

Consultative Group shall be renewed at periodic intervals, in accordance with

the appointment rules established in conformity with this paragraph.

2. Chile and the European Union shall each meet with their respective Domestic Consultative Group at least once a year, in order to discuss about the implementation of this Agreement. Chile and the European Union may consider views or recommendations

submitted by its respective Domestic Consultative Group.

3. In order to promote public awareness about the Domestic Consultative Groups, Chile and the European Union shall each publish the list of organisations participating in its

respective Group, as well as its contact point.

4. Chile and the European Union shall promote the interaction between their respective

Domestic Consultative Groups, through the means they consider appropriate.

Article 33.7. Civil Society Forum

1. Chile and the European Union shall promote the regular organisation of a Civil Society Forum to conduct a dialogue on the implementation of this agreement. It shall be

convoked by mutual agreement.

2. When convening a meeting of the Civil Society Forum, Chile and the European Union shall each invite independent civil society organisations established in the territories of the Parties, including members of the Domestic Consultative Groups referred to in Article 33.6. Chile and the European Union shall each promote a balanced representation, allowing for the

participation of non-governmental organisations, trade unions, and business and employersâ

organisations. Each organisation shall bear the costs associated with its participation in the

Forum.

3. Representatives of Chile and of the European Union participating in the Trade Council, or in the Trade Committee, shall be convened to the meetings of the Civil Society Forum, in order to engage in a dialogue with the latter. The Parties shall, jointly or

individually, publish any formal statements made at the Forum.

Section SECTION B FINAL PROVISIONS

Article 33.8. Territorial Application1. this Agreement Shall Apply:

a) With respect to the Union, to the territories in which the Treaty on European Union and the Treaty on the Functioning of the European Union are applicable,

and under the conditions laid down in those Treaties-and

b) With respect to Chile, to the land, maritime, and air space under its sovereignty, and the exclusive economic zone and the continental shelf within which it exercises sovereign rights and jurisdiction in accordance with international law? and its

domestic lawâ.

References to âterritoryâ in this Agreement shall be understood in this sense, except as

otherwise expressly provided.

3 For greater certainty, international law includes, in particular, the United Nations Convention on the Law of the Sea of 10 December 1982.

4 For greater certainty, in case of an inconsistency between domestic law and international law, the latter shall prevail.

2. As regards those provisions concerning the tariff treatment of goods, including rules of origin and the temporary

suspension of this treatment, this Agreement shall also apply with respect to the Union to those areas, not covered by subparagraph 1(a), of the customs territory of the Union, as defined by Article 4 of Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code, or

any amendments thereof.

Article 33.9. Amendments1. the Parties May Agree, In Writing, to Amend this Agreement. such Amendments Shall

enter into force in accordance with the provisions of Article 33.10 [Entry into force].

2. The Trade Council or the Trade Committee, as appropriate, may adopt decisions to amend the Agreement in the cases referred to under Article 33.1 [Trade Council], Article 33.2 [The Trade Committee] and paragraph 5 of Article 33.13 [Accession of new Member States of the European Union] of this Chapter.

Article 33.10. Entry Into Force1. the Parties Shall Notify Each other of the Completion of Their Respective Internal

procedures required for the entry into force of this treaty.

2. This Agreement shall enter into force on the first day of the second month following the date on which the Parties have notified each other of the completion of their respective

internal procedures for that purpose.

3. Notifications made in accordance with this Article shall be sent, in the case of the European Union, to the General Secretariat of the Council of the European Union or its successor, and in the case of Chile, to the Chilean Ministry of Foreign Affairs.

Article 33.11. Other Agreements

1. Part IV of the Agreement establishing an Association between the European Community and its Member States, of the one part, and Chile, of the other part, signed in Brussels on 18 November 2002, shall cease to have effect upon the entry into force of this

Agreement.

2. This Agreement replaces Part IV of the aforementioned Agreement. References to the aforementioned Agreement in all other agreements between the Parties shall be construed as

referring to this Agreement.

3. Existing agreements falling within the scope of this Agreement shall be listed in this Agreement. The effect of this Agreement on such existing agreements shall be defined in this

Agreement.

4. By way of exception from Article 33.16 (Duration) and unless otherwise agreed by the Parties, decisions and recommendations adopted by the bodies established under Articles 33.1, 33.2 and 33.4 of this Agreement shall remain in force and continue to produce effects under the Advanced Framework Agreement. Upon the entry into force of the Advanced Framework Agreement, the decisions and recommendations of the Trade Council shall be considered to be decisions and recommendations of the Joint Council established under Article 53 of Part IV of the Advanced Framework Agreement and decisions and recommendations of the Trade Committee shall be considered to be decisions and recommendations of the Joint Committee established under Article 54 of Part IV of the

Advanced Framework Agreement.

5. Notwithstanding Article 33.16 (Duration):

(a) temporary measures adopted pursuant to Article 20.5 of this Agreement

(Temporary Safeguard Measures), which are in place on the date of entry into force of

the Advanced Framework Agreement, shall remain applicable until their natural

expiration;

(b) _ bilateral safeguard measures adopted pursuant to Section C of Chapter 5 of this Agreement which are in place on the date of entry into force of the Advanced

Framework Agreement, shall remain applicable until their natural expiration;

(c) dispute settlement procedures already initiated pursuant to Article 30.6 of this Agreement shall, as from the date of entry into force of the Advanced Framework Agreement, be deemed to be a dispute under the Advanced Framework Agreement

and shall continue until their completion; and

(d) the binding outcome of any dispute settlement procedure initiated pursuant to Article 31.4 of this Agreement shall remain binding on the Parties after the date of

entry into force of the Advanced Framework Agreement.

6. The Parties to this Agreement shall not be able to bring dispute settlement proceedings under the Advanced Framework Agreement on matters that have been the

subject of a final panel report under Chapter 31 of this Agreement.

7. Transitional periods already completely or partially elapsed under this Agreement shall be taken into account when calculating transitional periods provided for in equivalent provisions under the Advanced Framework Agreement. Such transitional periods under the Advanced Framework Agreement shall be calculated starting from the date of entry into force of this Agreement.

Article 33.12. Annexes, Appendices, Protocols and Notes, Footnotes and Joint Declarations

The [tbc: Annexes, Appendices, Protocols and Notes, Footnotes and Joint Declarations] to this Agreement constitute integral parts thereof.

Article 33.13. Accession of New Member States to the European Union

1. The European Union will inform Chile of any request for accession of a third country

to the European Union.

2. The European Union shall notify Chile of the signature of any Treaty concerning the

accession of a third country to the European Union ("Accession Treaty").

3. This Agreement shall apply in respect of the new Member State of the European Union from the date of accession of that new Member State to the European Union.

4. In order to facilitate the implementation of paragraph 4, as from the date of signature of the Accession Treaty, the Trade Committee shall examine any effects of the accession on this Agreement. The Trade Committee shall decide on any necessary amendments to Annexes [X, XX, XXX] to this Agreement, and on any other necessary adjustments or transitional measures. Any decision of the Trade Committee shall take effect on the date of

accession of the new Member State to the European Union.

Article 33.14. Private Rights

1. Nothing in this Agreement shall be construed as directly conferring rights or imposing obligations on persons other than those created between the Parties under public international law, nor as permitting this Agreement to be directly invoked in the domestic legal systems of the Parties.

1. A Party shall not provide for a right of action under its domestic law against the other Party on the ground that a measure of the other Party is inconsistent with this Agreement.

Article 33.15. Authentic Texts

This Agreement is drawn up in duplicate in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each text being equally authentic.

Article 33.16. Duration

This Agreement shall remain in force until the entry into force of the Advanced Framework

Agreement.

Article 33.17. Termination

Either Party may notify in writing the other Party of this Agreement of its intention to terminate this Agreement. The termination shall take effect six months after the date of the

notification.

EXPLANATORY NOTE ON THE EU OFFER FOR SERVICES AND INVESTMENT TO CHILE

1. The present document contains the revised offer of the European Union (EU) for Services and Investment in the context of the negotiations of a Free Trade Agreement with Chile. This Schedule, which covers all modes of supply of services as well as investment in non-services, is divided into 7

documents: - Explanatory note - Annex I Existing Measures - Annex I Future Measures - Annex II Commitments for Market access (positive list)

- Annex IV Business Visitors for Establishment Purposes, Intra-Corporate Transferees, and

Short Term Business Visitors - Annex V Contractual Services Suppliers and Independent Professionals - Annex VI Financial services

2. The European Union reserves the right to modify or withdraw this offer, in whole or in part, to make technical changes and to correct any errors, omissions or inaccuracies, at any time prior to

the conclusion of the negotiations.

ANNEX I-

EXISTING MEASURES

Headnotes

1.

The Schedules of Chile and the Union set out, under Articles 2.7 [Non-conforming

measures INV] and 3.5 [Non-conforming measures CBTS], the reservations taken by Chile

and the Union with respect to existing measures that do not conform with obligations imposed

by:

(a)

(b)

(c)

(d)

(e)

2.

Article 3.. X [Local Presence - CBTS];

Article 2.3. National Treatment INV] or 3.3 [National Treatment CBTS];

Article 2.4. Most- Favoured- Nation- Treatment INV] [or 3.4 [Most- Favoured- Nation- Treatment [CBTS]];

Article 2.5. Senior Management and Boards of Directors]; or

Article 2.6. Performance Requirements].the Reservations of a Party Are without Prejudice to the Rights and Obligations of the

Parties under GATS.[To be moved later to a horizontal chapter]

3.

(a)

(b)

(c)

Each reservation sets out the following elements:

"sector" refers to the general sector in which the reservation is taken;

"sub-sector" refers to the specific sector in which the reservation is taken;

"industry classification" refers, where applicable, to the activity covered by the

reservation according to the CPC, ISIC Rev. 3.1, or as expressly otherwise described in 1

that reservation;

(d) "type of reservation" specifies the obligation referred to in paragraph 1 for which a

reservation is taken;

(e) "level of government" indicates the level of government maintaining the measure for

which a reservation is taken;

(f) "measures" identifies the laws or other measures as qualified, where indicated, by the "description" element for which the reservation is taken. A "measure" cited in the

"measures" element:

(i) means the measure as amended, continued or renewed as of the date of entry into

force of this Agreement;

Gi) includes any subordinate measure adopted or maintained under the authority of

and consistent with the measure; and

(ii) in respect of the Schedule of the Union, includes any laws or other measures

which implement a directive at Member State level; and

(g) "description" sets out the non-conforming aspects of the existing measure for which the

teservation is taken.

4. For greater certainty, if a Party adopts a new measure at a level of government different to that at which the reservation was originally taken, and this new measure effectively replaces â within the territory to which it applies â the non-conforming aspect of the original measure cited in the "measures" element, the new measure shall be deemed to constitute a "modification" to the original measure within the meaning of point (c) of paragraph 1 of article 2.7 [Non-conforming measures INV] or point (c) of paragraph 1 of article 3.5 [Non-

conforming measures CBTS].

5. In the interpretation of a reservation, all elements of the reservation shall be considered.

A reservation shall be interpreted in the light of the relevant obligations of the Chapters or Sections against which the reservation is taken. The "measures" element shall prevail over all

other elements.

6. For the purposes of the Schedules of Chile and the Union:

(a) âISIC Rev. 3.1" means the International Standard Industrial Classification of All Economic Activities as set out in Statistical Office of the United Nations, Statistical Papers, Series M, No.4, ISIC Rev. 3.1, 2002;

(b) "CPC" means the Provisional Central Product Classification (Statistical Papers, Series M No. 77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991).

7. For the purposes of the Schedules of Chile and the Union, a reservation for a requirement to have a local presence in the territory of the Union or Chile is taken against article 3.X [Local presence CBTS], and not against Article [National treatment CBTS] or, in Annex II, against Article [Market access CBTS]. Furthermore, such a requirement is not

taken as a reservation against Article 2.3 [National treatment INV].]

8. A reservation taken at the level of the Union applies to a measure of the Union, to a measure of a Member State at the central level or to a measure of a government within a Member State, unless the reservation excludes a Member State. A reservation taken by a Member State applies to a measure of a government at the central, regional or local level within that Member State. For the purposes of the reservations of Belgium, the central level of government covers the federal government and the governments of the regions and the communities as each of them holds equipollent legislative powers. For the purposes of the reservations of the Union and its Member States, a regional level of government in Finland means the Aland Islands. A reservation taken at the level of Chile applies to a measure of the

central government or a local government.

9. The list of reservations below does not include measures relating to qualification

requirements and procedures, technical standards and licensing requirements and procedures

where they do not constitute a limitation within the meaning of Article 2.3 [National treatment INV], 3.3 [National Treatment CBTS] or 3.X [Local presence]. These measures may include, in particular, the need to obtain a licence, to satisfy universal service obligations, to have recognised qualifications in regulated sectors, to pass specific examinations, including language examinations, to fulfil a membership requirement of a particular profession, such as membership in a professional organisation, to have a local agent for service, or to maintain a local address, or any other non-discriminatory requirements that certain activities may not be

carried out in protected zones or areas. While not listed, such measures continue to apply.

10. For greater certainty, for the Union, the obligation to grant national treatment does not entail the requirement to extend to natural or legal persons of Chile the treatment granted in a Member State, pursuant to the Treaty on the Functioning of the European Union, or any measure adopted pursuant to that Treaty, including their implementation in the Member States, to:

(a) natural persons or residents of another Member State; or

(b) legal persons constituted or organised under the law of another Member State or of the Union and having their registered office, central administration or principal place of

business in the Union.

11. Treatment granted to legal persons established by investors of a Party in accordance with the law of the other Party (including, in the case of the Union, the law of a Member State) and having their registered office, central administration or principal place of business within that other Party, is without prejudice to any condition or obligation, consistent with Chapter I [Investment liberalisation], which may have been imposed on such legal person when it was established in that other Party, and which shall continue to apply.

12. The Schedules apply only to the territories of Chile and the Union in accordance with [Institutional â Geographical application] and are only relevant in the context of trade relations between the Union and its Member States with Chile. They do not affect the rights and obligations of the Member States under Union law. [Redundant if similar language is

included for the whole agreement in the general provisions].

13. The following abbreviations are used in the list of reservations below:

EU European Union, including all its Member States AT Austria

BE Belgium

BG Bulgaria

CY Cyprus

CZ Czech Republic

DE Germany

DK Denmark

EE Estonia

EL Greece ES Spain FI Finland FR France

HR Croatia

HU Hungary IE Treland IT Italy

LT Lithuania LU Luxembourg

LV Latvia

MT Malta

NL The Netherlands PL Poland

PT Portugal

RO Romania SE Sweden SI Slovenia

SK Slovak Republic [Common headnotes]

Schedule of the Union

Reservation No. 1 - All sectors

Reservation No. 2 - Professional services (except health-related professions) Reservation No. 3 - Professional services (health related and retail of pharmaceuticals) Reservation No. 4 - Research and development services

Reservation No. 5 - Real estate services

Reservation No. 6 - Business services

Reservation No. 7 - Construction Services

Reservation No. 8 - Distribution services

Reservation No. 9 - Education services

Reservation No. 10 - Environmental services

Reservation No. 11 - Health services and social services

Reservation No. 12 - Tourism and travel related services

Reservation No. 13 - Recreational, cultural and sporting services

Reservation No. 14 - Transport services and services auxiliary to transport services Reservation No. 15 - Energy related activities

Reservation No. 16 - Agriculture, fishing and manufacturing

Reservation No. 1 - All sectors

Sector: All sectors

Type of reservation: National treatment Most-favoured-nation treatment Performance requirements

Senior management and boards of directors

Chapter Chapter/Section: Investment Liberalisation and Cross-border Trade In Services Level of Government: EU/Member State (unless Otherwise Specified) Description: (a) Type of Establishment

With respect to Investment liberalisation â National treatment:

The EU: Treatment granted pursuant to the Treaty on the Functioning of the European Union to legal persons formed in accordance with the law of the Union or of a Member State and having their registered office, central administration or principal place of business within the Union, including those established in the Union by investors of Chile, is not accorded to legal persons established outside the Union, nor to branches or representative offices of such legal

persons, including to branches or representative offices of legal persons of Chile.

Treatment less favourable may be accorded to legal persons formed in accordance with the law of the Union or of a Member State which have only their registered office in the Union, unless it can be shown that they possess an effective and continuous link with the economy of one of the Member States.

Measures:

EU: Treaty on the Functioning of the European Union.

With respect to Investment liberalisation â National treatment, Senior management and

boards of directors:

This reservation applies only to health, social or education services:

The EU (applies also to the regional level of government): Any Member State, when selling or disposing of its equity interests in, or the assets of, an existing state enterprise or an existing governmental entity providing health, social or education services (CPC 93, 92), may prohibit or impose limitations on the ownership of such interests or assets, and/or restrict the ability of owners of such interests and assets to control any resulting enterprise, with respect to investors of Chile or their enterprises. With respect to such a sale or other disposition, any Member State may adopt or maintain any measure relating to the nationality of senior

management or members of the boards of directors.

For the purposes of this reservation:

(i) any measure maintained or adopted after the date of entry into force of this Agreement that, at the time of the sale or other disposition, prohibits or imposes limitations on the ownership of equity interests or assets or imposes nationality requirements as described in this reservation shall be deemed to be an existing

measure; and

Gi) "state enterprise" means an enterprise owned or controlled through ownership interests by any Member State and includes an enterprise established after the date of entry into force of this Agreement solely for the purposes of selling or disposing of equity interests in, or the assets of, an existing state enterprise or

governmental entity.

Measures:

EU: As set out in the description element as indicated above.

With respect to Investment liberalisation â National Treatment:

In AT: For the operation of a branch, non-European Economic Area (non-EEA) corporations

must appoint at least one person responsible for its representation who is resident in Austria.

Executives (managing directors, natural persons) responsible for the observance of the

Austrian Trade Act (Gewerbeordnung) must be domiciled in Austria.

In BG: Foreign legal persons, unless established under the legislation of a Member State of the European Economic Area (EEA), may conduct business and pursue activities if established in the Republic of Bulgaria in the form of a company registered in the Commercial Register. Establishment of branches is subject to authorisation.

Representative offices of foreign enterprises are to be registered with Bulgarian Chamber of Commerce and Industry and may not engage in economic activity but are only entitled to

advertise their owner and act as representatives or agents.

In EE: If the residence of at least half of the members of the management board of a private limited company, a public limited company or a branch is not in Estonia, in another Member State of the EEA or in the Swiss Confederation, the private limited company, the public limited company or the foreign company shall appoint a point of contact whose Estonian address can be used for the delivery of the procedural documents of the undertaking and the declarations of intent addressed to the undertaking (i.e. the branch of a foreign company).

With respect to Investment liberalisation â National treatment, Senior management and

boards of directors, and Cross-border trade in services â Local presence:

In FI: At least one of the partners in a general partnership or of general partners in a limited partnership needs to have residency in the EEA or, if the partner is a legal person, be domiciled (no branches allowed) in the EEA. Exemptions may be granted by the registration authority.

To carry on trade as a private entrepreneur, residency in the EEA is required.

If a foreign organisation from a country outside the EEA intends to carry on a business or

trade by establishing a branch in Finland, a trade permit is required.

Residency in the EEA is required for at least one of the ordinary and one of the deputy members of the board of directors and for the managing director. Company exemptions may

be granted by the registration authority.

In SE: A foreign company, which has not established a legal entity in Sweden or is conducting its business through a commercial agent, shall conduct its commercial operations through a branch, registered in Sweden, with independent management and separate accounts. The managing director and the vice-managing director, if appointed, of the branch, must reside in the EEA. A natural person not resident in the EEA, who conducts commercial operations in Sweden, shall appoint and register a resident representative responsible for the operations in Sweden. Separate accounts shall be kept for the operations in Sweden. The competent authority may in individual cases grant exemptions from the branch and residency requirements. Building projects with duration of less than a year, conducted by a company located or a natural person residing outside the EEA, are exempted from the requirements of

establishing a branch or appointing a resident representative.

For limited liability companies and co-operative economic associations, at least 50 per cent of the members of the board of directors, at least 50 per cent of the deputy board members, the managing director, the vice-managing director, and at least one of the persons authorised to sign for the company, if any, must reside within the EEA. The competent authority may grant exemptions from this requirement. If none of the companyâs or society's representatives reside in Sweden, the board must appoint and register a person resident in Sweden, who has been

authorised to receive servings on behalf of the company or society.

Corresponding conditions prevail for establishment of all other types of legal entities.

In SK: A foreign natural person whose name is to be registered in the appropriate register (Commercial register, Entrepreneurial or other professional register) as a person authorised to

act on behalf of an entrepreneur is required to submit a residence permit for Slovakia.

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Measures:

AT: Aktiengesetz, BGBL. Nr. 98/1965, Â§ 254 (2); GmbH-Gesetz, RGBL. Nr. 58/1906, Â§ 107 (2); and Gewerbeordnung, BGBL. Nr. 194/1994, Â§ 39 (2a).

BG: Commercial Law, Article 17a; and

Law for Encouragement of Investments, Article 24.

EE: Ariseadustik (Commercial Code) Â§ 63! (1, 2 and 4).

FI: Laki elinkeinon harjoittamisen oikeudesta (Act on the Right to Carry on a Trade) (122/1919), s. 1;

Osuuskuntalaki (Co-Operatives Act) 1488/2001;

Osakeyhtidlaki (Limited Liabilities Company Act) (624/2006); and

Laki luottolaitostoiminnasta (Act on Credit Institutions) (121/2007).

SE: Lag om utlandska filialer m.m (Foreign Branch Offices Act) (1992:160); Aktiebolagslagen (Companies Act) (2005:551);

The Co-operative Economic Associations Act (2018:672); and Act on European Economic Interest Groupings (1994:1927).

SK: Act 513/1991 on Commercial Code (Article 21); Act 455/1991 on Trade Licensing; and Act no 404/2011 on Residence of Aliens (Articles 22 and 32).

With respect to Investment liberalisation -National Treatment and Performance

requirements:

In BG: Established enterprises may employ third country nationals only for positions for which there is no requirement for Bulgarian nationality. The total number of third country nationals employed by an established enterprise over a period of the preceding 12 months

must not exceed 20 percent (35 percent for small and medium-sized enterprises) of the

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average number of Bulgarian nationals, nationals of other Member States, of states parties to the Agreement on the EEA or of the Swiss Confederation hired on an employment contract. In addition, the employer must demonstrate that there is no suitable Bulgarian, EU, EEA or Swiss worker for the respective position by conducting a labour market test before employing a third country national.

For highly qualified, seasonal and posted workers, as well as for intra-corporate transferees, researchers and students there is no limitation on the number of third country nationals working for a single enterprise. For the employment of third country nationals in these

categories, no labour market test is required.

Measures:

BG: Labour Migration and Labour Mobility Act.

With respect to Investment liberalisation âNational treatment:

In PL: The scope of operations of a representative office may only encompass advertising and promotion of the foreign parent company represented by the office. For all sectors except legal services, establishment by non-European Union investors and their enterprises may only be in the form of a limited partnership, limited joint-stock partnership, limited liability company, and joint-stock company, while domestic investors and enterprises have access also to the forms of non-commercial partnership companies (general partnership and unlimited liability partnership).

Measures:

PL: Act of 6 March 2018 on rules regarding economic activity of foreign entrepreneurs and other foreign persons in the territory of the Republic of Poland.

(b) Acquisition of real estate

With respect to Investment liberalisation â National treatment:

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In AT (applies to the regional level of government): The acquisition, purchase and rental or leasing of real estate by non-European Union natural persons and enterprises requires authorisation by the competent regional authorities (Lander). Authorisation will only be granted if the acquisition is considered to be in the public (in particular economic, social and

cultural) interest.

In CY: Cypriots or persons of Cypriot origin, as well as nationals of a Member State, are allowed to acquire any property in Cyprus without restrictions. A foreigner shall not acquire, otherwise than mortis causa, any immovable property without obtaining a permit from the Council of Ministers. For foreigners, where the acquisition of immovable property exceeds the extent necessary for the erection of a premises for a house or professional roof, or otherwise exceeds the extent of two donums (2,676 square meter), any permit granted by the Council of Ministers shall be subject to such terms, limitations, conditions and criteria which are set by Regulations made by the Council of Ministers and approved by the House of Representatives. A foreigner is any person who is not a citizen of the Republic of Cyprus, including a foreign controlled company. The term does not include foreigners of Cypriot

origin or non-Cypriot spouses of citizens of the Republic of Cyprus.

In CZ: Specific rules apply to agricultural land under state ownership. State agricultural land can be acquired only by Czech nationals, nationals of another Member State, or states parties to the Agreement on the EEA or the Swiss Confederation. Legal persons can acquire state agriculture land from the state only if they are agricultural entrepreneurs in the Czech Republic or persons with similar status in other Member State of the European Union, or

states parties to the Agreement on the EEA or the Swiss Confederation.

In DK: Natural persons who are not resident in Denmark, and who have not previously been resident in Denmark for a total period of five years, must in accordance with the Danish Acquisition Act obtain permission from the Ministry of Justice to acquire title to real property in Denmark. This also applies for legal persons that are not registered in Denmark. For natural persons, acquisition of real property will be permitted if the applicant is going to use the real property as his or her primary residence.

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For legal persons that are not registered in Denmark, acquisition of real property will in general be permitted, if the acquisition is a prerequisite for the business activities of the purchaser. Permission is also required if the applicant is going to use the real property as a secondary dwelling. Such permission will only be granted if the applicant through an overall

and concrete assessment is regarded to have particular strong ties to Denmark.

Permission under the Acquisition Act is only granted for the acquisition of a specific real property. The acquisition of agricultural land by natural or legal persons is in addition governed by the Danish Agricultural Holdings Act, which imposes restrictions on all persons, Danish or foreign, when acquiring agricultural property. Accordingly, any natural or legal person, who wishes to acquire agricultural real property, must fulfil the requirements in this Act. This generally means a limited residence requirement on the agricultural holding applies. The residence requirement is not personal. Legal entities must be of the types listed in Â§20 and Â§21 of the act and must be registered in the Union (or EEA).

In EE: A legal person from an OECD Member State has the right to acquire an immovable

which contains:

(i) _ less than ten hectares of agricultural land, forest land or agricultural and forest land in total without restrictions.

(ii) ten hectares or more of agricultural land if the legal person has been engaged, for three years immediately preceding the year of making the transaction of acquisition of the immovable, in production of agricultural products listed in Annex I to the Treaty on the Functioning of the European Union, except fishery products and cotton (hereinafter agricultural product).

(iii) ten hectares or more of forest land if the legal person has been engaged, for three years immediately preceding the year of making the transaction of acquisition of the immovable, in forest management within the meaning of the Forest Act

(hereinafter forest management) or production of agricultural products.

(iv) less than ten hectares of agricultural land and less than ten hectares of forest land,

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but ten hectares or more of agricultural and forest land in total, if the legal person has been engaged, for three years immediately preceding the year of making the transaction of acquisition of the immovable, in production of agricultural products

or forest management.

If a legal person does not meet the requirements provided for in (ii){iv), the legal person may acquire an immovable which contains ten hectares or more of agricultural land, forest land or agricultural and forest land in total only with the authorisation of the council of the local

government of the location of the immovable to be acquired.

Restrictions on acquiring immovable property apply in certain geographical areas for non- EEA nationals.

In EL: Real estate acquisition or tenancy in the border regions is prohibited to natural or legal persons whose nationality or base is outside the Member States and the European Free Trade Association. The ban may be lifted with a discretionary decision taken by a committee of the appropriate Decentralized Administration (or the Minister of National Defense in case the properties to be exploited belong to the Fund for the Exploitation of Private Public Property).

In HR: Foreign companies are only allowed to acquire real estate for the supply of services if they are established and incorporated in Croatia as legal persons. Acquisition of real estate necessary for the supply of services by branches requires the approval of the Ministry of Justice. Agricultural land cannot be acquired by foreigners.

In MT: Non-nationals of a Member State may not acquire immovable property for commercial purposes. Companies with 25 per cent (or more) of non-European Union shareholding must obtain an authorisation from the competent authority (Minister responsible for Finance) to buy immovable property for commercial or business purposes. The competent authority will determine whether the proposed acquisition represents a net benefit to the

Maltese economy.

In PL: The acquisition of real estate, direct and indirect, by foreigners requires a permit. A

permit is issued through an administrative decision by a minister competent in internal affairs,

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with the consent of the Minister of National Defence, and in the case of agricultural real

estate, also with the consent of the Minister of Agriculture and Rural Development.

Measures:

AT: Burgenlandisches Grundverkehrsgesetz, LGBL. Nr. 25/2007;

K&rntner Grundverkehrsgesetz, LGBL. Nr. 9/2004;

NO- Grundverkehrsgesetz, LGBL. 6800;

o6- Grundverkehrsgesetz, LGBL. Nr. 88/1994;

Salzburger Grundverkehrsgesetz, LGBL. Nr. 9/2002;

Steiermarkisches Grundverkehrsgesetz, LGBL. Nr. 134/1993;

Tiroler Grundverkehrsgesetz, LGBL. Nr. 61/1996; Voralberger Grundverkehrsgesetz, LGBL. Nr. 42/2004; and

Wiener Auslandergrundverkehrsgesetz, LGBL. Nr. 11/1998.

CY: Immovable Property Acquisition (Aliens) Law (Chapter 109), as amended.

CZ: Act No. 503/2012, Coll. on State Land Office as amended.

DK: Danish Act on Acquisition of Real Property (Consolidation Act No. 265 of

21 March 2014 on Acquisition of Real Property);

Acquisition Executive Order (Executive Order No. 764 of 18 September 1995); and The Agricultural Holdings Act (Consolidation Act No. 27 of 4 January 2017).

EE: Kinnisasja omandamise kitsendamise seadus (Restrictions on Acquisition of Immovables Act) Chapter 2 Â§ 4, Chapter 3Â§ 10, 2017.

EL: Law 1892/1990, as it stands today, in combination, as far as the application is concerned, with the ministerial decision F,110/3/330340/S. 120/7-4-14 of the Minister of National Defense and the Minister of Citizen Protection.

HR: Ownership and other Proprietary Rights Act (OG 91/96, 68/98, 137/99, 22/00, 73/00, 129/00, 114/01, 79/06, 141/06, 146/08, 38/09, 143/12, 152/14), Articles 354 to 358.b;

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Agricultural Land Act (OG 20/18, 115/18, 98/19) Article 2; General Administrative Procedure Act.

MT: Immovable Property (Acquisition by Non-Residents) Act (Cap. 246); and Protocol No 6

of the EU Accession Treaty on the acquisition of secondary residences in Malta.

PL: Law of 24th March 1920 on the Acquisition of Real Estate by Foreigners (Journal of Laws of 2016, item 1061 as amended).

With respect to Investment liberalisation â National treatment:

In HU: The purchase of real estate by non-residents is subject to obtaining authorisation from the appropriate administrative authority responsible for the geographical location of the

property.

Measures:

HU: Government Decree No. 251/2014 (X. 2.) on the Acquisition by Foreign Nationals of Real Estate other than Land Used for Agricultural or Forestry Purposes; and Act LXX VIII of 1993 (Paragraph 1/A).

With respect to Investment liberalisation âNational treatment, Most-favoured nation

treatment:

In LV: Acquisition of urban land by nationals of Chile is permitted through legal persons

registered in Latvia or other Member States:

(i) if more than 50 per cent of their equity capital is owned by nationals of Member States, the Latvian Government or a municipality, separately or in total;

Gi) if more than 50 per cent of their equity capital is owned by natural persons and companies of third country with whom Latvia has concluded bilateral agreements on promotion and reciprocal protection of investments and which have been approved by the Latvian Parliament before 31 December 1996;

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(ii) if more than 50 per cent of their equity capital is possessed by natural persons and companies of third country with whom Latvia has concluded bilateral agreements on promotion and reciprocal protection of investments after 31 December 1996, if in those agreements the rights of Latvian natural persons and companies on acquisition of land in the respective third country have been determined;

(iv) if more than 50 per cent of their equity capital is possessed jointly by persons referred to in points (i) to (iii); or

(v) which are public joint stock companies, if their shares thereof are quoted in the stock exchange.

Where Chile allows Latvian nationals and enterprises to purchase urban real estate in their territories, Latvia will allow nationals and enterprises of Chile to purchase urban real estate in

Latvia under the same conditions as Latvian nationals.

Measures:

LV: Law on land reform in the cities of the Republic of Latvia, Section 20 and 21.

With respect to Investment liberalisation - National treatment, Most-favoured-nation

treatment:

In DE: Certain conditions of reciprocity may apply for the acquisition of real estate.

In ES: Foreign investment in activities directly relating to real estate investments for diplomatic missions by states that are not Member States requires an administrative authorisation from the Spanish Council of Ministers, unless there is a reciprocal liberalisation

agreement in place.

In RO: Foreign nationals, stateless persons and legal persons (other than nationals and legal persons of a Member State of the EEA) may acquire property rights over lands, under the conditions regulated by international treaties, based on reciprocity. Foreign nationals, stateless persons and legal persons may not acquire the property right over lands under more

favourable conditions than those applicable to natural or legal persons of the European Union.

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Measures:

DE: Einfiihrungsgesetz zum Biirgerlichen Gesetzbuche (EGBGB; Introductory Law to the Civil Code).

ES: Royal Decree 664/1999 of 23 April 1999 relating to foreign investment.

RO: Law 17/2014 on some measures regulating the selling-buying agricultural land situated outside town and amending; and

Law No 268/2001 on the privatization of companies that own land in public ownership and private management of the state for agricultural and establishing the State Domains Agency,

with subsequent amendments.

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Reservation No. 2 - Professional services (except health-related professions)

Sector â sub-sector:

Industry classification:

Type of reservation:

Chapter Chapter/Section: Level of Government:

Description:

Professional services â legal services; patent agent, industrial property agent, intellectual property attorney; accounting and bookkeeping services; auditing services, taxation advisory services; architecture and urban planning services, engineering

services and integrated engineering services

CPC 861, 862, 863, 8671, 8672, 8673, 8674, part of 879

National treatment

Most-favoured-nation treatment

Senior management and boards of directors

Local presence

Investment liberalisation, Cross-border trade in services

EU/Member State (unless otherwise specified)

(a) Legal services (part of CPC 861)?

For the purposes of this reservation:

(a) "domestic lawâ means the law of the specific Member State and European Union law;

(b) âpublic international lawâ excludes European Union law and includes law established by international treaties and conventions, as well as international customary law;

(c) "legal adviceâ includes provision of advice to and consultation with clients in matters, including transactions, relationships and disputes, involving the application or interpretation of law; participation with or on behalf of clients in negotiations and other dealings with third parties in such matters; and preparation of documents governed in whole or in part by law, and the verification of documents of any kind for purposes of and in accordance with the requirements of law;

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For greater certainty, consistent with the Headnotes, in particular paragraph [X] requirements to register with a Bar may include a requirement to have obtained a law degree in the host country or its equivalent, or to have completed some training under the supervision of a licensed lawyer, or to have an office or a postal address within the jurisdiction of a specific Bar in order to be eligible to apply for membership in that Bar. Some Member States may impose the requirement of having the right to practise host-jurisdiction law on those natural

persons holding certain positions within a law firm/company/enterprise or for shareholders.

With respect to Investment liberalisation âNational Treatment and Cross-border trade in

services â National treatment, Local presence:

In EU: Legal representation of natural or legal persons before the European Union Intellectual Property Office (EUIPO) may only be undertaken by a legal practitioner qualified in one of the Member States of the European Economic Area and having their place of business within the European Economic Area, to the extent that they are entitled, within the said Member State, to act as a representative in trade mark matters or in industrial property matters and by professional representatives whose names appear on the list maintained for this purpose by the EUIPO. (Part of CPC 861)

In AT: EEA or Swiss nationality as well as residency (commercial presence) is required for the practice of legal services in respect of domestic (European Union and Member State) law, including representation before courts. Only lawyers of EEA or Swiss nationality are allowed

to provide legal services through commercial presence. The practice of legal services in

(d) "legal representationâ includes preparation of documents intended to be submitted to administrative agencies, the courts or other duly constituted official tribunals; and appearance before administrative agencies, the courts or other duly constituted official tribunals;

(e) "legal arbitration, conciliation and mediation " means the preparation of documents to be submitted to, the preparation for and appearance before, an arbitrator, conciliator or mediator in any dispute involving the application and interpretation of law. It does not include arbitration, conciliation and mediation services in disputes not invalving the application and interpretation of law, which fall under services incidental to management consulting. It also does not include acting as an arbitrator, conciliator or mediator. As a sub-category, international legal arbitration, conciliation or mediation services refers to the same services when the dispute involves parties from two or more countries,

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respect of public international law and home country law is only allowed on a cross-border basis. Equity participation and shares in the operating result of any law firm by foreign lawyers (who must be fully qualified in their home country) is allowed up to 25 per cent; the rest must be held by fully qualified EEA or Swiss lawyers and only the latter may exercise

decisive influence in the decision making of the law firm.

In BE: (with respect also to Most-favoured-nation treatment) Residency is required for full admission to the Bar, and necessary for the practice of legal services in respect of Belgian domestic law, including representation before courts. The residency requirement for a foreign lawyer to obtain full admission to the Bar is at least six years from the date of application for registration, three years under certain conditions. Requirement to have a certificate issued by the Belgian Minister of Foreign Affairs under which the national law or public international

convention allows reciprocity (reciprocity condition).

Foreign lawyers may practise as legal consultants. Lawyers who are members of foreign (non- EU)

Bars and want to establish in Belgium but do not meet the conditions for registration on the Tableau

of fully qualified lawyers, on the EU-list or on the List of Trainee Lawyers, may request registration

on the so-called "B-List". Only at the Brussels Bar there exists such a "B-List". A lawyer on the Blist

is allowed to give advice. Representation before "the Cour de Cassation" is subject to

nomination on a specific list.

In BG: (with respect also to Most-favoured-nation treatment) Reserved to nationals of a Member State, of another State which is a party to the Agreement on the EEA, or of the Swiss Confederation who has been granted authorisation to pursue the profession of lawyer according to the legislation of any of the aforementioned countries. A foreign national (except for the above mentioned) who has been authorised to pursue the profession of lawyer in accordance with the legislation of his or her own country, may appeal before judicial bodies of the Republic of Bulgaria as defence-counsel or mandatary of a national of his or her own

country, acting on a specific case, together with a Bulgarian attorney-at-law, in cases where

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this has been envisaged in an agreement between the Bulgarian and the respective foreign state, or on the basis of mutuality, making a preliminary request to this effect to the Chairperson of the Supreme Bar Council. Countries, in respect of which mutuality exists, shall be designated by the Minister of Justice, upon request of the Chairperson of the Supreme Bar Council. In order to provide legal mediation, a foreign national must have a permit for long-term or permanent residence in the Republic of Bulgaria and has been entered in the

Uniform Register of Mediators with the Minister of Justice.

In CY: EEA or Swiss nationality as well as residency (commercial presence) is required. Only advocates enrolled in the Bar may be partners or shareholders or members of the board of

directors in a law company in Cyprus.

In CZ: Full admission to the Bar is required. For the practice of legal services in respect of domestic (European Union and Member State) law, including representation before courts, EEA or Swiss nationality is required. For all legal services, residence (commercial presence)

is required.

In DE: Only lawyers with EEA and Swiss qualification may be admitted to the Bar and are thus entitled to provide legal services in respect of domestic law. Commercial presence is required in order to obtain full admission to the Bar. Exemptions may be granted by the competent bar association. For foreign lawyers (with other than EEA and Swiss qualification) there may be restrictions for holding shares of a lawyers company which provides legal services in domestic law. Foreign lawyers can offer legal services in foreign law and in public international law when they prove expert knowledge, registration is required to provide legal

services in Germany.[National legislation under revision]

In DK: Legal services provided under the title âadvokatâ (advocate) or any similar title, as well as representation before the courts, is reserved for advocates with a Danish license to

ptactice. EU, EEA and Swiss advocates may practice under the title of their country of origin.

Shares of a law firm can only be owned by advocates who actively practice law in the firm, its parent company or its subsidiary company, other employees in the firm, or another law firm

registered in Denmark. Other employees in the firm may collectively only own less than 10

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per cent of the shares and of the voting rights, and in order to be shareholders they must pass

an exam on the rules of particular importance for the practice of law.

Only advocates who actively practice law in the firm, its parent company or its subsidiary company, other shareholders, and representatives of employees, may be members of the board. The majority of the members of the board must be advocates who actively practice law in the firm, its parent company or its subsidiary company. Only advocates who actively ptactice law in the firm, its parent company or its subsidiary company, and other shareholders

having passed the exam mentioned above, may be a director of the law firm.

In EE: Residency (commercial presence) is required for the practice of legal services in respect of domestic (European Union and Member State) law, and participation in criminal

proceedings representation before the Supreme Court.

In EL: EEA or Swiss nationality and residency (commercial presence) is required for the practice of legal services in respect of domestic (European Union and Member State) law,

including representation before courts.

In ES: EEA or Swiss nationality is required for the practice of legal services in respect of domestic law, including representation before courts. The competent authorities may grant

nationality waivers. Professional address is required in order to provide any legal services.

In FI: EEA or Swiss residency and Bar membership is required for the use of the professional title of "advocate" (in Finnish "asianajaja" or in Swedish "advokat"). Legal services, including

Finnish domestic law, may also be provided by non-Bar members.

In FR: Residency or establishment in the EEA is required for full admission to the Bar, which is necessary for the practice of legal services in respect of domestic law, including representation before courts. Representation before "the Cour de Cassation" and "Conseil d'Etat" is subject to quotas and reserved for French and EU nationals. Members of a Bar in Chile may register as foreign legal consultant in France to offer certain legal services in

France on a temporary or permanent basis, in respect of Chilean law and public international

law. A business address within the jurisdiction of the French Bar of registration or

establishment in the EEA is required to practice on a permanent basis.

In HR: European Union nationality is required for the practice of legal services in respect of domestic (European Union and Member State) law, including representation before courts. In proceedings involving public international law, parties may be represented before arbitration courts and ad hoc courts by foreign lawyers who are members of their home country bar association Only a lawyer who has the Croatian title of lawyer can establish a law firm

(Chilean firms can establish branches, which may not employ Croatian lawyers)

In HU: Full admission to the Bar is subject to EEA or Swiss nationality and residency (commercial presence) for the practice of legal services in respect of domestic law, including representation before courts. Foreign lawyers may provide legal advice on home country and public international law in partnership with a Hungarian attorney or a law firm. A cooperation contract concluded with a Hungarian attorney (iigyvÃ©d) or law firm (iigyvÃ©di iroda) is required. A foreign legal adviser cannot be a member of a Hungarian law firm. A foreign lawyer is not authorized for the preparation of documents to be submitted to, or act as

the client's legal representative before an arbitrator, conciliator or mediator in any dispute.

In LT: (With respect also to Most-favoured-nation treatment) EEA or Swiss nationality and residency (commercial presence) is required for the practice of legal services in respect of

domestic (European Union and Member State) law, including representation before courts.

Attorneys from foreign countries can practice as advocates in court only in accordance with

international agreements, including specific provisions regarding representation before courts.

In LU (with respect also to Most-favoured-nation treatment): EEA or Swiss nationality and residency (commercial presence) is required for the practice of legal services in respect of

domestic law, including representation before courts.

The Council of the Order may, on the basis of reciprocity, agree to waive the nationality

requirement for a foreign national.

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In LV (with respect also to Most-favoured-nation treatment): EEA or Swiss nationality is required for the practice of domestic law, including representation before courts. Attorneys from foreign countries can practice as advocates in court only in accordance with bilateral

agreements on mutual legal assistance.

For European Union or foreign advocates, special requirements exist. For example, participation in court proceedings in criminal cases is only permitted in association with an

advocate of the Latvian Collegium of Sworn Advocates.

In MT: EEA or Swiss nationality as well as residency (commercial presence) is required for the practice of legal services in respect of domestic law, including representation before

courts.

In NL: Only locally-licensed lawyers registered in the Dutch registry can use the title "advocate". Instead of using the full term "advocate", (non-registered) foreign lawyers are obliged to mention their home country professional organisation for the purposes of their

activities in the Netherlands.

In PT (with respect also to Most-favoured-nation treatment): residency (commercial presence) is required in order to practice Portuguese domestic law. For representation before courts, full admission to the Bar is required. Foreigners holding a diploma awarded by any Faculty of Law in Portugal, may register with the Portuguese Bar (Ordem dos Advogados), under the same terms as Portuguese nationals, if their respective country grants Portuguese nationals

reciprocal treatment.

Other foreigners holding a Degree in Law which has been acknowledged by a Faculty of Law in Portugal may register as members of the Bar Association provided they undergo the required training and pass the final assessment and admission exam. Only law firms where the

shares belong exclusively to lawyers admitted to the Portuguese Bar can practise in Portugal.

Legal consultation is allowed in any area of foreign and public international law by jurists of

recognized merit, masters and doctors in law (even if non-lawyers and non-university

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professors), provided they have their professional residence (âdomiciliagÃ©oâ) in PT, pass an

admission exam and are registered in the Bar.

In RO: A foreign lawyer may not make oral or written conclusions before the courts and other

judicial bodies, except for international arbitration.

In SE: (with respect also to Most-favoured-nation treatment) EEA or Swiss residency is required for admission to the Bar and use of the title of "advokat". Exemptions may be granted by the board of the Swedish Bar Association. Admission to the Bar is not necessary for the practice of Swedish domestic law. A member of the Swedish Bar Association may not be employed by anyone other than a Bar member or a company conducting the business of a Bar member. However, a Bar member may be employed by a foreign company conducting the business of an advocate, provided that the company in question is domiciled in a country within the European Union, the EEA or Switzerland. Subject to an exemption from the Board of the Swedish Bar Association, a member of the Swedish Bar Association may also be

employed by a non-European Union law firm.

Bar members conducting their practice in the form of a company or a partnership may not have any other objective and may not carry out any other business than the practice of an advocate. Collaboration with other advocate businesses is permitted, however, collaboration with foreign businesses requires permission by the Board of the Swedish Bar Association. Only a Bar member may directly or indirectly, or through a company, practice as an advocate, own shares in the company or be a partner. Only a member may be a member or deputy member of the Board or deputy managing director, or an authorised signatory or secretary of the company or the partnership.

In SI: (with respect also to Most-favoured-nation treatment) Representing clients before the court against payment is conditioned by commercial presence in Republic of Slovenia. A foreign lawyer who has the right to practice law in a foreign country may perform legal services or practice law under the conditions laid down in Article 34a of the Attorneys Act,

provided the condition of actual reciprocity is fulfilled.

Commercial presence for appointed attorneys by the Slovene Bar Association is restricted to

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sole proprietorship, law firm with limited liability (partnership) or to a law firm with unlimited liability (partnership) only. The activities of a law firm shall be restricted to the ptactice of law. Only attorneys may be partners in a law firm.

In SK: (with respect also to Most-favoured-nation treatment) EEA nationality as well as residency (commercial presence) in the Slovak Republic is required for the practice of legal services in respect of domestic law, including representation before courts. For non-EU

lawyers actual reciprocity is required.

Measures:

EU Article 120 of Regulation (EU) 2017/1001 of the European Parliament and of the Councilâ;

Article 78. Of Council Regulation (EC) No 6/2002 of 12 December 20013,

AT: Rechtsanwaltsordnung (Lawyers Act) - RAO, RGBI. Nr. 96/1868, Articles 1 and 21c.; Rechtsanwaltsgesetz - EIRAG, BGBI. Nr. 27/2000 as amended; Â§ 41 EIRAG

BE: Belgian Judicial Code (Articles 428-508); Royal Decree of 24 August 1970.

BG: Attorney Law; Law for Mediation; and Law for the Notaries and Notarial Activity.

CY: Advocates Law (Chapter 2), as amended.

CZ: Act No. 85/1996 Coll., the Legal Profession Act.

DE:

Bundesrechtsanwaltsordnung (BRAO; Federal Lawyers Act);

Gesetz iiber die Titigkeit europdischer Rechtsanwdlte in Deutschland (EuRAG); and Â§ 10 Rechtsdienstleistungsgesetz (RDG). [Under revision]

DK; Retsplejeloven (Administration of Justice Act) chapters 12 and 13 (Consolidated Act No. 1284 of 14 November 2018).

EE: Advokatuuriseadus (Bar Association Act);

Tsiviilkohtumenetluse seadustik (Code of Civil Procedure); halduskohtumenetluse seadustik (Code

of Administrative Court Procedure); kriminaalmenetluse seadustik (Code of Criminal

2 Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark (OJ EU L 154, 16.6.2017, p. 1). 3 Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs (OJ EU L 3, 5,1.2002, p. 1). 28

Procedure);

and vddrteomenetluse seadustik (Code of Misdemeanour Procedure).

EL: New Lawyers' Code n. 4194/2013.

ES: Estatuto General de la Abogacia Espafiola, aprobado por Real Decreto 658/2001, Article 13.1%.

FI: Laki asianajajista (Advocates Act) (496/1958), ss. 1 and 3; and

Oikeudenkdymiskaari (4/1734) (Code of Judicial Procedure).

FR: Loi 71-1130 du 31 dÃ©cembre 1971, Loi 90- 1259 du 31 dÃ©cembre 1990 and Ordonnance du 10 septembre 1817 modifiÃ©e.

HAIR: Legal Profession Act (OG 9/94, 117/08, 75/09, 18/11).

HU; Act LXXVIII of 2017 on the professional activities of attorneys-at-law.

LT: Law on the Bar of the Republic of Lithuania of 18 March 2004 No. IX-2066 as last amended on 12 December 2017 by law No XTII-571.

LU: Loi du 16 dÃ©cembre 2011 modifiant la loi du 10 aoftt 1991 sur la profession d'avocat. LV: Criminal Procedure Law, s. 79; and Advocacy Law of the Republic of Latvia, s. 4.

MT: Code of Organisation and Civil Procedure (Cap. 12).

NL: Advocatenwet (Act on Advocates).

PT: Law 145/2015, 9 set., alterada p/ Lei 23/2020, 6 jul. (art.Â° 194 substituido p/ art.Â° 201.Â°; e art.Â° 203.Â° substituido p/ art.Â° 213.Â°).

Portuguese Bar Statute (Estatuto da Ordem dos Advogados) and Decree-Law 229/2004, Articles 5, 7 â 9; Decree-law 88/2003, Articles 77 and 102; Solicitadores Public Professional Association Statute (Estatuto da Camara dos Solicitadores), as amended by Law 49/2004, mas alterada p/ Lei 154/2015, 14 set; by Law 14/2006 and by Decree-Law n.Â° 226/2008 alterado p/ Lei 41/2013, 26 jun;

Law 78/2001, Articles 31, 4 Alterada p/ Lei 54/2013, 31 jul.; Regulation of family and labour mediation (Ordinance 282/2010), alterada p/ Portaria 283/2018, 19 out; Law 21/2007 on criminal mediation, Article 12; Law 22/2013, 26 fev., alterada p/ Lei 17/2017, 16 maio, alterada pelo Decreto-Lei 52/2019, 17 abril.

RO: Attorney Law; Law for Mediation; and Law for the Notaries and the Notarial Activity. SE: Rattegangsbalken (The Swedish Code of Judicial Procedure) (1942:740); and

Swedish Bar Association Code of Conduct adopted 29 August 2008.

SI: Zakon o odvetnistvu (Neuradno precisceno besedilo-ZOdv-NPB8 Drzavnega Zbora RS z dne 7

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junij 2019 (Attorneys Act) unofficial consolidated text prepared by the Slovenian parliament from7

June 2019).

SK: Act 586/2003 on Advocacy, Articles 2 and 12.

With respect to Investment liberalisation - National Treatment:

In PL: Foreign lawyers may establish only in the form of a registered partnership, a limited partnership or a limited joint-stock partnership.

Measures: PL: Act of 5 July 2002 on the provision by foreign lawyers of legal assistance in the Republic of Poland, Article 19; The Law on Tax Advisory

With respect to Cross-Border Trade in Services â Local presence:

In IK, IT: Residency (commercial presence) is required for the practice of legal services in respect of domestic (European Union and Member State) law, including representation before

courts.

Measures: TE: Solicitors Acts 1954-2011, IT: Royal Decree 1578/1933, Article 17 law on the legal profession.

(b) Patent agents, industrial property agents, intellectual property attorneys (part of CPC 879, 861, 8613)

With respect to Investment liberalisation âNational treatment and Cross-border trade in

services â Local presence:

In AT: EFA or Swiss nationality is required for the practice of patent agency services,

residency there is required.

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In BG, and CY: EEA or Swiss nationality is required for the practice of patent agency

services. In CY, residency is required.

In DE: Only patent lawyers having EEA and Swiss qualifications may be admitted to the Bar and are thus entitled to provide patent agent services in Germany in domestic law. Commercial presence is required in order to obtain full admission to the Bar. Exemptions may be granted by the bar association. Foreign patent lawyers can offer legal services in foreign law when they prove expert knowledge, registration is required for legal services in Germany. Foreign (other than EEA and Swiss qualification) patent lawyers may not establish a firm together with national patent lawyers.

Foreign (other than EEA and Swiss) patent lawyers may have their commercial presence only in the form of a Patentanwalts-GmbH or Patentanwalt-AG by acquiring a minority

share.[National legislation under revision]

In EE: Estonian or EU nationality as well as permanent residency is required for the practice

of patent agency services.

In ES and PT: EEA nationality is required for the practice of industrial property agent

services.

In FR: To be registered on the industrial property agent services list, establishment or residency in the EEA is required. EEA nationality is required for natural persons. To represent a client in front of the national intellectual property office, establishment in the EEA is required. More than half of shares and voting rights must be held by EEA professionals. Law firms may be entitled to provide industrial property agent services (see reservation for legal

services).

With respect to Investment liberalisation âNational treatment and Cross-border trade in

services â National treatment:

In LV: EU nationality required for patent attorneys.

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Measure:

LV: The Law on Industrial Property Institutions and Procedures Chapter XVII (Articles 119

â 136).

With respect to Cross-border trade in services â Local presence:

In FI and HU: EEA residency is required for the practice of patent agency services.

In SI: Residency in Slovenia is required for a holder/applicant of registered rights (patents,

trademarks, design protection). Alternatively, a patent agent or a trademark and design agent

registered in Slovenia is required for the main purpose of services of process, notification, etc.

Measures:

AT: Patent Attorney Act, BGBl. 214/1967 as amended, Â§Â§ 2 and 16a

BG: Chapter 8b of the Act on Patents and Registration of Utility Models.

CY: Advocates Law (Chapter 2), as amended.

DE: Patentanwaltsordnung (PAO), Gesetz tiber die Tatigkeit europdischer Patentanwiilte in Deutschland (EuPAG) and Â§ 10 Rechtsdienstleistungsgesetz (RDG). [Under revision]

EE: Patendivoliniku seadus (Patent Agents Act) Â§ 2, Â§ 14.

ES: Ley 11/1986, de 20 de marzo, de Patentes de InvenciÃ©n y Modelos de utilidad, Articles 155-157.

FI: Tavaramerkkilaki (Trademarks Act) (7/1964);

Laki auktorisoiduista teollisoikeusasiamiehistaÃ© (Act on Authorised Industrial Property Attorneys) (22/2014); and

Laki kasvinjalostajanoikeudesta (Plant Breeder's Right Act) 1279/2009; and Mallioikeuslaki (Registered Designs Act) 221/1971.

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FR: Code de la propriÃ©tÃ© intellectuelle.

HU: Act XXXII of 1995 on Patent Attorneys.

PT: Decree-Law 15/95, as modified by Law 17/2010, by Portaria 1200/2010, Article 5, and by Portaria 239/2013; and Law 9/2009.

SI: Zakon o industrijski lastnini (Industrial Property Act), Uradni list RS, 8t. 51/06 â uradno pretisÃ©eno besedilo in 100/13 and 23/20 (Official Gazette of the Republic of Slovenia, No. 51/06 â official consolidated text 100/13 and 23/20).

With respect to Investment liberalisation â National treatment and Cross-border trade in

services â National Treatment, Local presence:

In IE: For establishment, at least one of the directors, partners, managers or employees of a company to be registered as a patent or intellectual property attorney in Ireland. Cross-border basis requires EEA nationality and commercial presence, principal place of business in an EEA Member State, qualification under the law of an EEA Member State.

Measures:

TE: Section 85 and 86 of the Trade Marks Act 1996, as amended;

Rule 51, Rule 51A and Rule 51B of the Trade Marks Rules 1996, as amended; Section 106 and 107 of the Patent Act 1992, as amended; and Register of Patent Agent Rules S.L 580 of 2015.

(Â©) Accounting and bookkeeping services (CPC 8621 other than auditing services, 86213, 86219, 86220)

With respect to Investment liberalisation âNational treatment and Cross-border trade in

services â Local presence:

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In AT: The capital interests and voting rights of foreign accountants, bookkeepers, qualified according to the law of their home country, in an Austrian enterprise may not exceed 25 per cent. The service supplier must have an office or professional seat in the EEA (CPC 862).

In FR: Establishment or residency is required.

In IT: Residence or business domicile is required for enrolment in the professional register, which is necessary for the provision of accounting and bookkeeping services (CPC 86213, 86219, 86220).

In PT: (with respect also to Most-favoured-nation treatment): Residence or business domicile is required for enrolment in the professional register by the Chamber of Certified Accountants (Ordem dos Contabilistas Certificados), which is necessary for the provision of accounting services, provided that there is reciprocal treatment for Portuguese nationals.

Measures:

AT: Wirtschaftstreuhandberufsgesetz (Public Accountant and Auditing Profession Act, BGBI. INr. 58/1999), Â§ 12, Â§ 65, Â§ 67, Â§ 68 (1) 4; and

Bilanzbuchhaltungsgesetz (BibuG), BGBL. I Nr. 191/2013, Â§Â§ 7, 11, 28.

FR: Ordonnance 45-2138 du 19 septembre 1945.

IT: Legislative Decree 139/2005; and Law 248/2006.

PT: Decree-Law n.Â°452/99, changed by Law n.Â° 139/2015, september 7th.

With respect to Cross-border trade in services â Local presence:

In SI: Establishment in the European Union is required in order to provide accounting and bookkeeping services (CPC 86213, 86219, 86220).

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Measures: SI: Act on services in the internal market, Official Gazette RS No 21/10.

(d) Auditing services (CPC â 86211, 86212 other than accounting and bookkeeping

services)

With respect to Investment liberalisation â National treatment, Most-favoured nation treatment and Cross-border trade in services â National treatment, Most-favoured nation

treatment:

In EU: Supply of statutory auditing services requires approval by the competent authorities of a Member State that may recognise the equivalence of the qualifications of an auditor who is

a national of Chile or of any third country subject to reciprocity (CPC 8621). Measures:

EU: Directive 2013/34/EU of the European Parliament and of the Councilâ; and Directive 2006/43/EC of the European Parliament and of the Council>.

Measures: BG: Independent Financial Audit Act.

With respect to Investment liberalisation â-National treatment, and Cross-border trade in

services â Local presence:

4 Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).

5 Directive 2006/43/EC of the European Parliament and of the Council of 17 May 2006 on statutory audits of annual accounts and consolidated accounts, amending Council Directives 78/660/EEC and 83/349/EEC and repealing Council Directive 84/253/EEC (OJ L 157, 9.6.2006, p.87).

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In AT: The capital interests and voting rights of foreign auditors, qualified according to the law of their home country, in an Austrian enterprise may not exceed 25 per cent. The service

supplier must have an office or professional seat in the EEA.

Measures:

AT: Wirtschaftstreuhandberufsgesetz (Public Accountant and Auditing Profession Act, BGBI. INr. 58/1999), Â§ 12, Â§ 65, Â§ 67, Â§ 68 (1) 4.

With respect to Cross-border trade in services â Local presence:

In DK: Provision of statutory auditing services requires Danish approval as an auditor. Approval requires residency in a Member State of the EEA. Voting rights in approved audit firms of auditors and audit firms not approved in accordance with

regulation implementing the Directive 2006/43/EC based on Article 54(3)(g) of the Treaty on statutory audit must not exceed 10 per cent of the voting rights.

In FR: (with respect also to Most-favoured-nation treatment) For statutory audits: establishment or residency is required. [Chilean] nationals may provide statutory auditing services in France, subject to reciprocity.

In PL: Establishment in the European Union is required in order to provide auditing services.

Measures:

DK: Revisorloven (The Danish Act on Approved Auditors and Audit Firms), Act No. 1287 of 20/11/2018.

FR: Code de commerce

PL: Act of 11 May 2017 on statutory auditors, audit firms and public oversight - Journal of Laws of 2017, item 1089.

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With respect to Investment liberalisation âNational treatment and Cross-border trade in

services âNational treatment:

In CY: Authorisation is required, subject to an economic needs test. Main criteria: the employment situation in the sub-sector. Professional associations (partnerships) between natural persons are permitted.

In SK: Only an enterprise in which at least 60 per cent of capital interests or voting rights are reserved to Slovak nationals or nationals of a Member State may be authorised to carry out audits in the Slovak Republic.

Measures:

CY: Auditors Law of 2017 (Law 53(1/2017).

SK: Act No. 423/2015 on Statutory audit.

With respect to Cross-border trade in services â National treatment, Local presence:

In DE: Auditors from third countries registered in accordance with Article 134 WPO may carry out the statutory audit of annual fiscal statements or provide the consolidated financial statements of a company with its headquarters outside the Union, whose transferable securities are offered for trading in a regulated market.

Measures:

DE: Handelsgesetzbuch (HGB; Code of Commercial Law); Gesetz tiber eine Berufsordnung der Wirtschaftspriifer (Wirtschaftspriiferordnung - WPO; Public Accountant Act).

With respect to Investment liberalisation â National treatment and Cross-border trade in

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services â National treatment:

In ES: statutory auditors must be a national of a Member State. This reservation does not apply to the auditing of non-European Union companies listed in a Spanish regulated market.

Measures:

ES: Ley 22/2015, de 20 de julio, de Auditorfa de Cuentas (new Auditing Law: Law 22/2015

on Auditing services).

With respect to Investment liberalisation â National treatment, Most-favoured nation

treatment and Cross-border trade in services â Local presence:

In SI Commercial presence is required. A third country audit entity may hold shares or form partnerships in Slovenian audit company provided that, under the law of the country in which the third-country audit entity is incorporated, Slovenian audit companies may hold shares or

form partnership in an audit entity in that country (reciprocity requirement).

Measures:

SL Auditing Act (ZRev-2), Official Gazette RS No 65/2008 (as last amended No 84/18); and Companies Act (ZGD-1), Official Gazette RS No 42/2006 (as last amended No 22/19 - ZPosS).

With respect to Investment liberalisation â National treatment

In EE: The majority of the votes represented by the shares of an audit firm shall belong to sworn auditors subject to supervision of a competent authority of a EEA Member State, who have acquired their qualification in an EEA Member State, or to audit firms. At least three- fourths of the persons representing an audit firm on the basis of law shall have acquired their qualifications in an EEA Member State.

Measures:

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EE; Auditors Activities Act (Audiitortegevuse seadus) Â§ 76-77

With respect to Cross-border trade in services â Local presence:

In BE: An establishment in Belgium is required where the professional activity will take place and where acts, documents and correspondence relating to it will be maintained, and to have

at least one administrator or manager of the establishment approved as auditor.

In FI: EEA residency required for at least one of the auditors of a Finnish Limited Liability company and of companies which are under the obligation to carry out an audit. An auditor

must be a locally-licensed auditor or a locally-licensed audit firm.

In HR: Auditing services may be provided only by legal persons established in Croatia or by

natural persons resident in Croatia.

In IT: Residency is required for the provision of auditing services by natural persons.

In LT: Establishment in the EEA is required for the provision of auditing services.

In SE: Only auditors approved in Sweden and auditing firms registered in Sweden may perform statutory auditing services. EEA residency is required. The titles of "approved auditor" and "authorised auditor" may only be used by auditors approved or authorised in Sweden. Auditors of co-operative economic associations and certain other enterprises who are not certified or approved accountants must be resident within the EEA, unless the Government, or a Government authority appointed by the Government, in a particular case

allows otherwise. Measures: BE: Law of July 22nd, 1953 creating an Institute of the Auditors of Firms and organising the

public supervision of the occupation of auditor of firms, coordinated on April 30th, 2007. (Public Accountant Act).

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FI: Tilintarkastuslaki (Auditing Act) (459/2007), Sectoral laws requiring the use of locally

licensed auditors.

HR: Audit Act (OG 146/05, 139/08, 144/12), Article 3.

IT: Legislative Decree 58/1998, Articles 155, 158 and 161; Decree of the President of the Republic 99/1998; and Legislative Decree 39/2010, Article 2.

LT: Law on Audit of 15 June 1999 No. VIII -1227 (a new version of 3 July 2008 No. X1676).

SE: Revisorslagen (Auditors Act) (2001:883);

Revisionslag (Auditing Act) (1999:1079);

Aktiebolagslagen (Companies Act) (2005:551);

Lag om ekonomiska fÃ©reningar (The Co-operative Economic Associations Act) (2018:672); and

Others, regulating the requirements to make use of approved auditors.

(e) Taxation advisory services (CPC 863, not including legal advice and legal

representation on tax matters, which are to be found under legal services)

With respect to Investment liberalisation â National treatment and Cross-border trade in

services â Local presence:

In AT: The capital interests and voting rights of foreign tax advisors, qualified according to the law of their home country, in an Austrian enterprise may not exceed 25 per cent. The service supplier must have an office or professional seat in the EEA.

Measures:

AT: Wirtschaftstreuhandberufsgesetz (Public Accountant and Auditing Profession Act, BGBI. INr. 58/1999), Â§ 12, Â§ 65, Â§ 67, Â§ 68 (1) 4.

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With respect to Cross-border trade in services â Local presence:

In FR: Establishment or residency is required.

Measures:

FR: Ordonnance 45-2138 du 19 septembre 1945.

With respect to Investment liberalisation â National treatment and Cross-border trade in

services â National treatment:

In BG: Nationality of a Member State is required for tax advisors.

Measures:

BG: Accountancy Act;

Independent Financial Audit Act; Income Taxes on Natural Persons Act; and Corporate Income Tax Act.

With respect to Cross-border trade in services â Local presence:

In HU: EEA residency is required for the supply of taxation advisory services, insofar as they are being supplied by a natural person present in the territory of Hungary.

In IT: Residency is required.

Measures:

HU: Act XCII of 2003 on the Rules of Taxation; and

Decree of the Ministry of Finance no. 26/2008 on the licensing and registration of taxation

advisory activities.

IT: Legislative Decree 139/2005; and Law 248/2006.

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@) Architecture and urban planning services, engineering and integrated engineering services (CPC 8671, 8672, 8673, 8674)

With respect to Investment liberalisation âNational treatment and Cross-border trade in

services âNational treatment:

In BG: Residency in the EEA or the Swiss Confederation is required for architecture, urban planning and engineering services

provided by natural persons. For architectural and engineering projects of national or regional significance, foreign investors must act in partnership with, or as subcontractors to, local investors (CPC 8671, 8672, 8673).

Measures: BG: Spatial Development Act; Chamber of Builders Act; and

Chambers of Architects and Engineers in Project Development Design Act.

With respect to Investment liberalisation â National treatment and Cross-border trade in

services â National treatment:

In HR: A design or project created by a foreign architect, engineer or urban planner must be validated by an authorised natural or legal person in Croatia with regard to its compliance with Croatian Law (CPC 8671, 8672, 8673, 8674).

Measures:

HR: Act on Physical Planning and Building Activities (OG 118/18, 110/19) Physical Planning Act (OG 153/13, 39/19).

With respect to Investment liberalisation âNational treatment and Cross-border trade in

services â National treatment, Local presence:

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In CY: Nationality and residency condition applies for the provision of architecture and urban planning services, engineering and integrated engineering services (CPC 8671, 8672, 8673, 8674).

Measures:

CY: Law 41/1962 as amended; Law 224/1990 as amended; and Law 29(1)2001 as amended. With respect to Cross-border trade in services â Local presence:

In CZ; Residency in the EEA is required.

In HU: EEA residency is required for the supply of the following services, insofar as they are being supplied by a natural person present in the territory of Hungary: architectural services,

engineering services (only applicable to graduate trainees), integrated Engineering services and landscape architectural services (CPC 8671, 8672, 8673, 8674).

In IT: residency or professional domicile/business address in Italy is required for enrolment in the professional register, which is necessary for the exercise of architectural and engineering services (CPC 8671, 8672, 8673, 8674).

In SK: Residency in the EEA is required for registration in the professional chamber, which is necessary for the exercise of architectural and engineering services (CPC 8671, 8672, 8673, 8674).

Measures:

CZ: Act no. 360/1992 Coll. on practice of profession of authorised architects and authorised

engineers and technicians working in the field of building constructions.

HU: Act LVII of 1996 on the Professional Chambers of Architects and Engineers.

IT: Royal Decree 2537/1925 regulation on the profession of architect and engineer; Law

1395/1923; and Decree of the President of the Republic (D.P.R.) 328/2001.

SK: Act 138/1992 on Architects and Engineers, Articles 3, 15, 15a, 17a and 18a.

With respect to Cross-border trade in services âNational treatment:

In BE: the provision of architectural services includes control over the execution of the works (CPC 8671, 8674). Foreign architects authorised in their host countries and wishing to practice their profession on an occasional basis in Belgium are required to obtain prior authorisation from the Council of Order in the geographical area where they intend to practice their activity.

Measures: BE: Law of February 20, 1939 on the protection of the title of the architect's profession; and Law of 26th June

1963, which creates the Order of Architects Regulations of December 16th,

1983 of ethics established by national Council in the Order of Architects (Approved by Article 1st of A.R. of April 18th, 1985, M.B., May 8th, 1985).

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Reservation No. 3 - Professional services (health related and retail of pharmaceuticals)

Sector â sub-sector:

Industry classification:

Type of reservation:

Chapter Chapter/Section: Description:

Professional services â medical (including psychologists) and dental services; midwives, nurses, physiotherapists and paramedical personnel; veterinary services; retail sales of pharmaceutical, medical and orthopaedic goods and other services

provided by pharmacists

CPC 9312, 93191, 932, 63211

National treatment

Most-favoured-nation treatment

Senior management and boards of directors

Local presence

Investment Liberalisation and Cross-Border Trade in Services

(a) Medical, dental, midwives, nurses, physiotherapists and para-medical services (CPC 852, 9312, 93191)

With respect to Investment liberalisation â National treatment, Most favoured nation

treatment and Cross-border trade in services â National treatment, Most favoured nation

treatment:

In IT: European Union nationality is required for the services provided by psychologists,

foreign professionals may be allowed to practice based on reciprocity (part of CPC 9312).

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Measures:

IT: Law 56/1989 on the psychologist profession.

With respect to Investment liberalisation â National treatment and Cross-border trade in

services âNational treatment, Local presence:

In CY: Cypriot nationality and residency condition applies for the provision of medical (including psychologists), dental, midwives, nurses, physiotherapists and para-medical

services.

Measures:

CY: Registration of Doctors Law (Chapter 250) as amended; Registration of Dentists Law (Chapter 249) as amended; Law 75(D/2013 - Podologists;

Law 33(D/2008 as amended- Medical Physics;

Law 34(D/2006 as amended - Occupational Therapists; Law 9(1D/1996 as amended - Dental Technicians;

Law 68(D/1995 as amended - Psychologists;

Law 16(D/1992 as amended - Opticians;

Law 23(D/2011 as amended - Radiologists/Radiotherapists; Law 31(D/1996 as amended - Dieticians/Nutritionists;

Law 140/1989 as amended - Physiotherapists; and

Law 214/1988 as amended - Nurses.

With respect to Cross-border trade in services âLocal presence:

In DE

Doctors (including psychologists, psychotherapists, and dentists) need to register with the

regional associations of statutory health insurance physicians or dentists (kassenarztliche or

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kassenzahnirztliche Vereinigungen), if they wish to treat patients insured by the statutory sickness funds.

For midwives services, access is restricted to natural persons only. For medical and dental services, access is possible for natural persons, licensed medical care centres and mandated

bodies. Establishment requirements may apply.

Measures:

Bundesarzteordnung (BAO; Federal Medical Regulation);

Gesetz tiber die Ausiibung der Zahnheilkunde (ZHG);

Gesetz tiber den Beruf der Psychotherapeutin und des Psychotherapeuten (PsychThG; Act on the Provision of Psychotherapy Services);

Gesetz tiber die berufsmaBige Ausiibung der Heilkunde ohne Bestallung (Heilpraktikergesetz);

Gesetz tiber das Studium und den Beruf von Hebammen(HebG); Bundes-Apothekerordnung; Additional legislation with regard to midwives can exist on regional level.

Gesetz tiber die Pflegeberufe (PflBG);

Sozialgesetzbuch Fiinftes Buch (SGB V; Social Code, Book Five) - Statutory Health

Insurance.

Regional level:

Heilberufekammergesetz des Landes Baden-Wiirttemberg ;

Gesetz tiber die Berufsausiibung, die Berufsvertretungen und die Berufsgerichtsbarkeit der Arzte, Zahnarzte, Tierairzte, Apotheker sowie der Psychologischen Psychotherapeuten und der Kinder- und Jugendlichenpsychotherapeuten (Heilberufe-Kammergesetz - HKaG) in Bayern; Berliner Heilberufekammergesetz (BInHKG);

Hamburgisches Kammergesetz fiir die Heilberufe (HmbKGH); Gesetz tiber die Berufsgerichtsbarkeit der Heilberufe; Hamburgisches Gesetz iiber die Ausiibung des Berufs der Hebamme und des Entbindungspflegers (Hamburgisches Hebammen gesetz); Heilberufsgesetz Brandenburg (HeilBerG);

Bremisches Gesetz tiber die Berufsvertretung, die Berufsausiibung, die Weiterbildung und die

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Berufsgerichtsbarkeit der Arzte, Zahnirzte, Psychotherapeuten, Tierarzte und Apotheker (Heilberufsgesetz - HeilBerG);

Niedersichsisches Kammergesetz fiir die Heilberufe (Heilkammergesetz - HKG); Niedersichsisches Gesetz iiber die Ausiibung des Hebammenberufs (NHebG) Heilberufsgesetz Mecklenburg-Vorpommern (Heilberufsgesetz M-V â HeilBerG);

Heilberufsgesetz (HeilBG NRW);

Heilberufsgesetz (HeilBG Rheinland-Pfalz);

Gesetz tiber die Sffentliche Berufsvertretung, die Berufspflichten, die Weiterbildung und die Berufsgerichtsbarkeit der Arzte/ Arztinnen, Zahnirzte/ Zahnarztinnen, psychologischen Psychotherapeuten/ Psychotherapeutinnen und Kinder- und Jugendlichenpsychotherapeuten/psychotherapeutinnen, Tierarzte/Tierarztinnen und Apotheker/Apothekerinnen im Saarland (Saarlandisches Heilberufekammergesetz - SHKG); Gesetz iiber Berufsausiibung, Berufsvertretungen und Berufsgerichtsbarkeit der Arzte, Zahnarzte, Tierarzte, Apotheker sowie der Psychologischen Psychotherapeuten und der Kinder- und Jugendlichenpsychotherapeuten im Freistaat Sachsen (Sachsisches Heilberufekammergesetz â SachsHKaG)and Thiiringer Heilberufegesetz.

With respect to Investment liberalisation âNational treatment and Cross-border trade in

services âLocal presence:

In FR: While other types of legal form are also available for Union investors, foreign investors only have access to the legal forms of "sociÃ©tÃ© d'exercice liberal"(SEL) and "sociÃ©tÃ© civile professionnelle" (SCP). For medical, dental and midwives services, French nationality is required. However, access by foreigners is possible within annually established quotas. For medical, dental and midwives services and services by nurses, provision through SEL a forme anonyme, a responsabilitÃ© limitÃ©e par actions simplifiÃ©e ou en commandite par actions SCP, sociÃ©tÃ© coopÃ©rative (for independent general and specialised practitioners only) or sociÃ©tÃ© interprofessionnelle de soins ambulatoires (SISA) for multidisciplinary health home (MSP) only.

Measures:

FR: Loi 90-1258 relative a l'exercice sous forme de sociÃ©tÃ© des professions libÃ©rales, Loi

nÂ°2011-940 du 10 aoft 2011 modifiant certaines dipositions de la loi nÂ°2009-879 dite HPST, Loi nÂ°47-1775 portant statut de la coopÃ©ration; and Code de la santÃ© publique.

(b) Veterinary services (CPC 932)

With respect to Investment liberalisation âNational treatment, Most-favoured nation treatment and Cross-border trade in services âNational treatment, Most-favoured nation

treatment:

In AT: Only nationals of a Member State of the EEA may provide veterinary services. The nationality requirement is waived for nationals of a non-Member State of the EEA where there is a Union agreement with that non-Member State of the EEA providing for national

treatment with respect to investment and cross-border trade of veterinary services.

In ES: Membership in the professional association is required for the practice of the profession and requires Union nationality, which may be waived through a bilateral

professional agreement.

In FR: EEA nationality is required for the supply of veterinary services, but the nationality requirement may be waived subject to reciprocity. The legal forms available to a company providing veterinary services are limited to SCP (SociÃ©tÃ© civile professionnelle) and SEL (SociÃ©tÃ© d'exercice liberal). Non-discriminatory legal forms apply, however other legal forms of company provided for by French domestic law or the law of another Member State of the EEA and having their registered office, central administration or principal place of business

therein may be authorised, under certain conditions.

Measures:

AT: Tierarztegesetz (Veterinary Act), BGBI. Nr. 16/1975, Â§3 (2) (3).

ES: Real Decreto 126/2013, de 22 de febrero, por el que se aprueban los Estatutos Generales de la OrganizaciÃ©n Colegial Veterinaria Espafiola; Articles 62 and 64.

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FR: Code rural et de la pÃ©che maritime.

With respect to Investment liberalisation âNational treatment and Cross-border trade in

services â National treatment, Local presence:

In CY: Nationality and residency condition applies for the provision of veterinary services.

In EL: EEA or Swiss nationality is required for the supply of veterinary services.

In HR: Only legal and natural persons established in a Member State for the purpose of conducting veterinary activities can supply cross border veterinary services in the Republic of

Croatia. Only Union nationals can establish a veterinary practice in the Republic of Croatia.

In HU: EEA nationality is required for membership of the Hungarian Veterinary Chamber,

necessary for supplying veterinary services.

Measures:

CY: Law 169/1990 as amended.

EL: Presidential Degree 38/2010, Ministerial Decision 165261/IA/2010 (Gov. Gazette 2157/B).

HR: Veterinary Act (OG 83/13, 148/13, 115/18), Articles 3 (67), Articles 105 and 121.

HU: Act CXXVII of 2012 on the Hungarian Veterinary Chamber and on the conditions how to supply Veterinary services.

With respect to Cross-border trade in services â Local presence:

In CZ: Physical presence in the territory is required for the supply of veterinary services.

In IT and PT: Residency is required for the supply of veterinary services.

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In PL: Physical presence in the territory is required for the supply of veterinary services to pursue the profession of veterinary surgeon present in the territory of Poland, non- European Union nationals have to pass an exam in Polish language organized by the Polish Chambers of Veterinary Surgeons.

In SI: Only legal and natural persons established in a Member State for the purpose of conducting veterinary activities can supply cross border veterinary services in to the Republic

of Slovenia.

In SK: Residency in the EEA is required for registration in the professional chamber, which is

necessary for the exercise of the profession.

Measures:

CZ: Act No. 166/1999 Coll. (Veterinary Act), Â§58-63, 39; and Act No. 381/1991 Coll. (on the Chamber of Veterinary Surgeons of the Czech Republic), paragraph 4.

IT: Legislative Decree C.P.S. 233/1946, Articles 7-9; and Decree of the President of the Republic (DPR) 221/1950, paragraph 7.

PL: Law of 21st December 1990 on the Profession of Veterinary Surgeon and Chambers of Veterinary Surgeons.

PT: Decree-Law 368/91 (Statute of the Veterinary Professional Association) alterado p/ Lei 125/2015, 3 set.

SI: Pravilnik o priznavanju poklicnih kvalifikacij veterinarjev (Rules on recognition of professional qualifications for veterinarians), Uradni list RS, st. (Official Gazette No) 71/2008, 7/2011, 59/2014 in 21/2016, Act on services in the internal market, Official Gazette RS No 21/2010.

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SK: Act 442/2004 on Private Veterinary Doctors and the Chamber of Veterinary Doctors, Article 2.

(Â©) Retail sales of pharmaceuticals, medical and orthopaedic goods and other services provided by pharmacists (CPC 63211)

With respect to Investment liberalisation âNational treatment, Senior management and

boards of directors:

In AT: The retail of pharmaceuticals and specific medical goods to the public may only be carried out through a pharmacy. Nationality of a Member State of the EEA or the Swiss Confederation is required in order to operate a pharmacy. Nationality of a Member State of the EEA or the Swiss Confederation is required for leaseholders and persons in charge of

managing a pharmacy.

Measures:

AT: Apothekengesetz (Pharmacy Law), RGBI. Nr. 5/1907 as amended, Â§Â§ 3, 4, 12; Arzneimittelgesetz (Medication Act), BGBI1. Nr. 185/1983 as amended, Â§Â§ 57, 59, 59a; and Medizinproduktegesetz (Medical Products Law), BGBI. Nr. 657/1996 as amended, Â§ 99.

With respect to Investment liberalisation National Treatment:

In DE: Only natural persons (pharmacists) are permitted to operate a pharmacy. Nationals of other countries or persons who have not passed the German pharmacy exam may only obtain

a licence to take over a pharmacy which has already existed during the preceding three years.

In FR: EEA or Swiss nationality is required in order to operate a pharmacy.

Foreign pharmacists may be permitted to establish within annually established quotas. Pharmacy opening must be authorised and commercial presence including sale at a distance of medicinal products to the public by means of information society services, must take one of

the legal forms which are allowed under national law on a non-discriminatory basis: sociÃ©tÃ©

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d'exercice libÃ©ral (SEL) anonyme, par actions simplifiÃ©e, 4 responsabilitÃ© limitÃ©e unipersonnelle or pluripersonnelle, en commandite par actions, sociÃ©tÃ© en noms collectifs

(SNC) or sociÃ©tÃ© 4 responsabilitÃ© limitÃ©e (SARL) unipersonnelle or pluripersonnelle only.

Measures:

DE: Gesetz tiber das Apothekenwesen (ApoG; German Pharmacy Act); Bundes- Apothekerordnung;

Gesetz iiber den Verkehr mit Arzneimitteln (AMG);

Gesetz tiber Medizinprodukte (MPG);

Verordnung zur Regelung der Abgabe von Medizinprodukten (MPAV)

FR: Code de la santÃ© publique; and

Loi 90-1258 du 31 dÃ©cembre 1990 relative 4 l'exercice sous forme de sociÃ©tÃ© des professions libÃ©ralesand Loi 2015-990 du 6 aofit 2015.

With respect to Investment liberalisation â National Treatment:

In EL: European Union nationality is required in order to operate a pharmacy.

In HU: EEA nationality is required in order to operate a pharmacy.

In LV: In order to commence independent practice in a pharmacy, a foreign pharmacist or pharmacist's assistant, educated in a state which is not a Member State or a Member State of the EEA, must work for at least one year in a pharmacy in a Member State of the EEA under the supervision of a pharmacist.

Measures:

EL: Law 5607/1932 as amended by Laws 1963/1991 and 3918/2011.

HU: Act XCVIII of 2006 on the General Provisions Relating to the Reliable and Economically Feasible Supply of Medicinal Products and Medical Aids and on the

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Distribution of Medicinal Products.

LV: Pharmaceutical Law, s. 38.

With respect to Investment liberalisation âNational treatment, Most-Favoured Nation

treatment and Cross-border trade in services âNational treatment:

In IT: The practice of the profession is possible only for natural persons enrolled in the register, as well as for legal persons in the form of partnerships, where every partner of the company must be an enrolled pharmacist. Enrolment in the pharmacist professional register requires nationality of a Member State of the European Union or residency and the practice of the profession in Italy. Foreign nationals having the necessary qualifications may enrol if they are citizens of a country with whom Italy has a special agreement, authorising the exercise of the profession, under condition of reciprocity (D. Lgsl. CPS 233/1946 Articles 7-9 and D.P.R. 221/1950 paragraphs 3 and 7). New or vacant pharmacies are authorised following a public competition. Only nationals of a Member State of the European Union enrolled in the Register of pharmacists ("albo") are able to participate in a public competition.

Measures: TT: Law 362/1991, Articles 1, 4, 7 and 9; Legislative Decree CPS 233/1946, Articles 7-9; and

Decree of the President of the Republic (D.P.R. 221/1950, paragraphs 3 and 7).

With respect to Investment liberalisation âNational treatment and Cross-border trade in

services âNational treatment:

In CY: Nationality requirement applies for the provision of retail sales of pharmaceuticals,

medical and orthopaedic goods and other services provided by pharmacists (CPC 63211).

Measures:

CY: Pharmacy and Poisons Law (Chapter 254) as amended.

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With respect to Investment liberalisation â National treatment and Cross-border services â

Local presence:

In BG: Permanent residency is required for pharmacists.

Measures:

BG: Law on Medicinal Products in Human Medicine, arts. 146, 161, 195, 222, 228.

With respect to Cross-border trade in services â Local presence:

In DE, SK: Residency is required in order to obtain a licence as a pharmacist or to open a

pharmacy for the retail of pharmaceuticals and certain medical goods to the public.

Measures:

DE: Gesetz iiber das Apothekenwesen (ApoG; German Pharmacy Act); Gesetz iiber den Verkehr mit Arzneimitteln (AMG);

Gesetz tiber Medizinprodukte (MPG);

Verordnung zur Regelung der Abgabe von Medizinprodukten (MPAV).

SK: Act 362/2011 on pharmaceuticals and medical devices, Article 6; and

Act 578/2004 on healthcare providers, medical employees, professional organisation in healthcare.

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Reservation No. 4 - Research and development services

Sector â sub-sector: Research and development (R&D) services

Industry classification: CPC 851, 853

Type of reservation:

National treatment Chapter: Investment liberalisation and Cross-border trade in services Level of government: EU/Member State (unless otherwise specified)

Description:

The EU: For publicly funded research and development (R&D) services benefitting from funding provided by the Union at the Union level, exclusive rights or authorisations may only be granted to nationals of the Member States and to legal persons of the Union having their registered office, central administration or principal place of business in the Union (CPC 851, 853).

For publicly funded R&D services benefitting from funding provided by a Member State exclusive rights or authorisations may only be granted to nationals of the Member State concerned and to legal persons of the Member State concerned having their headquarters in that Member State (CPC 851, 853).

This reservation is without prejudice to Part Five of this Agreement and to the exclusion of

procurement by a Party or subsidies, in Article 123(6) and (7) of this Agreement.

Measures:

EU: All currently existing and all future Union research or innovation framework

programmes, including the Horizon 2020 Rules for Participation and regulations pertaining to

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Joint Technology Initiatives (JTIs), and the European Institute for Innovation and Technology

(EIT), as well as existing and future national, regional or local research programmes.

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Reservation No. 5 - Real estate services

Sector â sub-sector: Real estate services

Industry classification: CPC 821, 822

Type of reservation:

National treatment

Most-favoured nation treatment

Local presence Chapter: Investment liberalisation and Cross-border trade in services Level of government: EU/Member State (unless otherwise specified)

Description:

With respect to Investment liberalisation âNational treatment and Cross-border trade in

services â National treatment, Local presence:

In CY: For the supply of real estate services, nationality and residency condition applies.

Measures:

CY: The Real Estate Agents Law 71(1)/2010 as amended.

With respect to Cross-border trade in services â Local presence:

In CZ: Residency for natural persons and establishment for legal persons in the Czech

Republic are required to obtain the licence necessary for the provision of real estate services.

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In HR: Commercial presence in EEA is required to supply real estate services.

In PT: EEA residency is required for natural persons. EEA incorporation is required for legal

persons.

Measures:

CZ: Trade Licensing Act.

HR: Real Estate Brokerage Act (OG 107/07 and 144/12), Article 2.

PT: Decree-Law 211/2004 (Articles 3 and 25), as amended and republished by Decree-Law 69/2011.

With respect to Investment liberalisation â National treatment and Cross-border trade in

services â Local presence:

In DK: For the supply of real estate services by a natural person present in the territory of Denmark, only authorised real estate agent who are natural persons that have been admitted to the Danish Business Authority's real estate agent register may use the title of "real estate agent". The act requires that the applicant be a Danish resident or a resident of the Union, EEA or the Swiss Confederation.

The Act on the sale of real estate is only applicable when providing real estate services to consumers. The Act on the sale of real estate does not apply to the leasing of real estate (CPC 822).

Measures:

DK: Lov om formidling af fast ejendom m.v. lov. nr. 526 af 28.05.2014 (The Act on the sale of real estate).

With respect to Cross-border trade in services âNational treatment, Most-favoured-nation

treatment:

In SI: In so far as Chile allows Slovenian nationals and enterprises to supply real estate agent services, Slovenia will allow nationals of Chile and enterprises to supply real estate agent services under the same conditions, in addition to the fulfilment of the following requirements: entitlement to act as a real estate agent in the country of origin, submission of the relevant document on impunity in criminal procedures, and inscription into the registry of

real estate agents at the competent (Slovenian) ministry.

Measures:

SI Real Estate Agencies Act.

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Reservation No. 6 - Business services

Sector â sub-sector:

Industry classification:

Type of reservation:

Chapter Chapter: Level of Government:

Description:

Business services - rental or leasing services without operators; services related to management consulting; technical testing

and analyses; related scientific and technical consulting services; services incidental to agriculture; security services; placement services; translation and interpretation services and other business services

ISIC Rev. 37, part of CPC 612, part of 621, part of 625, 831, part

of 85990, 86602, 8675, 8676, 87201, 87202, 87203, 87204, 87205, 87206, 87209, 87901, 87902, 87909, 88, part of 893

National treatment

Most-favoured nation treatment

Senior management and boards of directors

Local presence

Investment liberalisation and Cross-border trade in services

EU/Member State (unless otherwise specified)

(a) Rental or leasing services without operators (CPC 83103, CPC 831)

With respect to Investment liberalisation âNational treatment:

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In SE: To fly the Swedish flag, proof of dominating Swedish operating influence must be shown in case of foreign ownership interests in ships. Dominating Swedish operating influence means that the operation of the ship is located in Sweden and that the ship also has a more than half of the shares of either Swedish ownership or ownership of persons in another EEA country. Other foreign ships may under certain conditions be granted an exemption from this rule where they are rented or leased by Swedish legal persons through bareboat charter contracts (CPC 83103).

Measures:

SE: SjÃ©lagen (Maritime Law) (1994:1009), Chapter 1, Â§ 1.

With respect to Cross-border trade in services â Local presence:

In SE: Suppliers of rental or leasing services of cars and certain off-road vehicles

(terran gmotorfordon) without a driver, rented or leased for a period of less than one year, are obliged to appoint someone to be responsible for ensuring, among other things, that the business is conducted in accordance with applicable rules and regulations and that the road traffic safety rules are followed. The responsible person must reside in the EEA (CPC 831).
Measures:

SE: Lag (1998: 492) om biluthyrning (Act on renting and leasing cars).

(b) Rental or leasing services and other business services related to aviation

With respect to Investment liberalisation - National treatment, Most-favoured nation treatment, and Cross-border trade in services - National treatment, Most-favoured-nation treatment:

The EU: For rental or leasing of aircraft without crew (dry lease), aircraft used by an air

carrier of the Union are subject to applicable aircraft registration requirements. A dry lease

agreement to which a Union carrier is a party shall be subject to requirements in the Union or

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national law on aviation safety, such as prior approval and other conditions applicable to the use of third countriesâ registered aircraft. To be registered, aircraft may be required to be owned either by natural persons meeting specific nationality criteria or by enterprises meeting

specific criteria regarding ownership of capital and control (CPC 83104).

With respect to computer reservation system (CRS) services, where Union air carriers are not accorded, by CRS services suppliers operating outside the Union, equivalent (meaning non- discriminatory) treatment to the treatment provided by Union CRS service suppliers to air carriers of a third country in the Union, or where Union CRS services suppliers are not

accorded, by non-Union air carriers, equivalent treatment to the treatment provided by air carriers in the Union to CRS service suppliers of a third country, measures may be taken to accord the equivalent discriminatory treatment, respectively, to the non-Union air carriers by the CRS services suppliers operating in the Union, or to the non-Union CRS services

suppliers by Union air carriers. Measures:

EU: Regulation (EC) No 1008/2008 of the European Parliament and of the CouncilÂ®; and Regulation (EC) No 80/2009 of the European Parliament and of the Councilâ,

With respect to Investment liberalisation - National treatment and Cross-border trade in

services - National treatment

In BE: Private (civil) aircraft belonging to natural persons who are not nationals of a member state of the EEA may only be registered if they are domiciled or resident in Belgium without interruption for at least one year. Private (civil) aircraft belonging to foreign legal entities not formed in accordance with the law of a member state of the EEA may only be registered if they have a seat of operations, an agency or an office in Belgium without interruption for at least one year (CPC 83104).

Ã© Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (OJ L 293 31.10.2008, p. 3).

7 Regulation (EC) No 80/2009 of the European Parliament and of the Council of 14 January 2009 on a Code of Conduct for computerised reservation systems and repealing Council Regulation (EEC) No 2299/89 (OJ L 35, 4.2.2009, p. 47).

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Measures:

BE: ArrÃ©tÃ© Royal du 15 mars 1954 rÃ©glementant la navigation aÃ©rienne.

(c) Services related to management consulting â arbitration and conciliation services (CPC 86602)

With respect to Cross-border trade in services âNational treatment, Local presence:

In BG: For mediation, permanent or long-term residency in the republic of Bulgaria is required for citizens of countries other than a member state of the EEA or the Swiss Confederation.

In HU: An authorisation, by means of admission into the register, by the minister in charge of the juridical system is required for the pursuit of mediation (such as arbitration and conciliation) activities which may only be granted to legal or natural persons that are established in or resident in Hungary.

Measures:

BG: Mediation Act, Art. 8."

HU: Act LV of 2002 on Mediation.

(d)_ Technical testing and analysis services (CPC 8676)

With respect to Investment liberalisation âNational treatment and Cross-border trade in

services âNational treatment:

In CY: The provision of services by chemists and biologists requires nationality of a Member

State.

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In FR: The professions of biologist are reserved for natural persons, EEA nationality required.

Measures:

CY: Registration of Chemists Law of 1988 (Law 157/1988), as amended.

FR: Code de la SantÃ© Publique.

With respect to Investment liberalisation âNational treatment and Cross-border trade in

services â Local presence:

In BG: Establishment in Bulgaria according to the Bulgarian Commercial Act and registration

in the Commercial register is required for provision of technical testing and analysis services.

For the periodical inspection for proof of technical condition of road transport vehicles, the person should be registered in accordance with the Bulgarian Commercial Act or the Non-

Profit Legal Persons Act, or else be registered in another Member State of the EEA.

The testing and analysis of the composition and purity of air and water may be conducted only by the Ministry of Environment and Water of Bulgaria, or its agencies in co-operation

with the Bulgarian Academy of Sciences.

Measures:

BG: Technical Requirements towards Products Act;

Measurement Act;

Clean Ambient Air Act; and

Water Act, Ordinance N-32 for the periodical inspection for proof of technical condition of

road transport vehicles.

With respect to Investment liberalisation â National treatment, Most-favoured-nation

treatment and Cross-border trade in services âNational treatment, Most-favoured-nation

treatment, Local presence:

In IT: For biologists, chemical analysts, agronomists and "periti agrari", residency and enrolment in the professional register are required. Third country nationals can enrol under

condition of reciprocity.

Measures:

IT: Biologists, chemical analysts: Law 396/1967 on the profession of biologists; and Royal Decree 842/1928 on the profession of chemical analysts.

(e) Related scientific and technical consulting services (CPC 8675)

With respect to Investment liberalisation â National treatment, Most-favoured nation treatment and Cross-border trade in services âNational treatment, Most-favoured-nation

treatment, Local presence:

In IT: Residency or professional domicile in Italy is required for enrolment in the geologistsâ register, which is necessary for the practice of the professions of surveyor or geologist in order to provide services relating to the exploration and the operation of mines, etc. Nationality of a Member State is required; however, foreigners may enrol under condition of

reciprocity.

Measures:

IT: Geologists: Law 112/1963, Articles 2 and 5; D.P.R. 1403/1965, Article 1.

With respect to Investment liberalisation âNational treatment and Cross-border trade in

services â National treatment, Local presence:

In BG: For natural persons, nationality and residency of a Member State of the EEA or the Swiss Confederation is required in order to execute functions pertinent to geodesy,

cartography and cadastral surveying. For legal entities, trade registration under the legislation

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of a Member State of the EEA or the Swiss Confederation is required.

Measures:

BG: Cadastre and Property Register Act; and Geodesy and Cartography Act.

With respect to Investment liberalisation â National Treatment and Cross-border trade in

services â National treatment:

In CY: Nationality requirement applies for the provision of relevant services.

Measures:

CY: Law 224/1990 as amended.

With respect to Investment liberalisation â-National treatment and Cross-border trade in

services â National treatment, Local presence:

In FR: For exploration and prospecting services establishment is required. This requirement may be waived for scientific researchers, by decision of the Minister of scientific research, in agreement with the Minister of Foreign affairs.

Measures:

FR: Loi 46-942 du 7 mai 1946 and dÃ©cret nÂ°71-360 du 6 mai 1971.

With respect to Investment liberalisation âNational treatment and Cross-border trade in

services âNational treatment, Local presence: In HR: Services of basic geological, geodetic and mining consulting as well as related

environmental protection consulting services in the territory of Croatia can be carried out only

jointly with or through domestic legal persons.

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Measures:

HR: Ordinance on requirements for issuing approvals to legal persons for performing

professional environmental protection activities (OG No.57/10), Arts. 32-35.

(@) Services incidental to agriculture (part of CPC 88)

With respect to Investment liberalisation âNational treatment and Cross-border trade in

services â National treatment, Most-favoured-nation treatment, Local presence:

In IT: For biologists, chemical analysts, agronomists and "periti agrari", residency and enrolment in the professional register are required. Third country nationals can enrol under

condition of reciprocity.

Measures:

IT: Biologists, chemical analysts: Law 396/1967 on the profession of biologists; and Royal Decree 842/1928 on the profession of chemical analysts.

With respect to Investment liberalisation âMost-favoured-nation treatment and Cross-border

trade in services âMost-favoured-nation treatment:

In PT: The professions of biologist, chemical analyst and agronomist are reserved for natural persons. For third-country nationals, reciprocity regime applies in the case of engineers and technical engineers (and not a citizenship requirement). For biologists, there is not a

citizenship requirement nor a reciprocity requirement.

Measures:

PT: Decree Law 119/92 alterado p/ Lei 123/2015, 2 set. (Ordem Engenheiros); Law 47/2011 alterado p/ Lei 157/2015, 17 set. (Ordem dos Engenheiros TÃ©cnicos); and Decree Law 183/98 alterado p/ Lei 159/2015, 18 set. (Ordem dos Bidlogos).

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(g) Security Services (CPC 87302, 87303, 87304, 87305, 87309)

With respect to Investment liberalisation âNational treatment and Cross-border trade in

services âNational treatment, Local presence:

In IT: Nationality of a Member State of the European Union and residency is required in order to obtain the necessary authorisation to supply security guard services and the transport of

valuables.

In PT: The provision of security services by a foreign supplier on a cross-border basis is not allowed.

A nationality requirement exists for specialised personnel.

Measures:

IT: Law on public security (TULPS) 773/1931, Articles 133-141; Royal Decree 635/1940, Article 257.

PT: Law 34/2013 alterada p/ Lei 46/2019, 16 maio; and Ordinance 273/2013 alterada p/ Portaria 106/2015, 13 abril.

With respect to Investment liberalisation â National treatment, Most-Favoured Nation

treatment and Cross-border trade in services â Local presence:

In DK: Residence requirement for individuals applying for an authorisation to provide

security services.

Residence is also required for managers and the majority of members of the board of a legal entity applying for an authorisation to conduct security services. However, residence for management and boards of directors is not required to the extent it follows from international

agreements or orders issued by the Minister for Justice.

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Measures:

DK: Lovbekendtggrelse 2016-01-11 nr. 112 om vagtvirksomhed.

With respect to Cross-border trade in services â Local presence:

In EE: Residency is required for security guards.

Measures:

EE: Turvaseadus (Security Act) Â§ 21, Â§ 22.

(h) Placement Services (CPC 87201, 87202, 87203, 87204, 87205, 87206, 87209)

With respect to Investment liberalisation âNational treatment and Cross-border trade in

services âNational treatment (applies to the regional level of government):

In BE: In all Regions in Belgium, a company having its head office outside the EEA has to demonstrate that it supplies placement services in its country of origin. In the Walloon Region, a specific type of legal entity (rÃ©guliÂ¢rement constituÃ©e sous la forme d'une personne morale ayant une forme commerciale, soit au sens du droit belge, soit en vertu du droit d'un Etat membre ou rÃ©gie par celui-ci, quelle que soit sa forme juridique) is required to supply placement services. A company having its head office outside the EEA has to demonstrate that it fulfils the conditions as set out in the Decree (for instance on the type of legal entity). In the German-speaking community, a company having its head office outside the EEA has to fulfil the admission criteria established by the mentioned Decree (CPC 87202).

Measures:

BE: Flemish Region: Article 8, Â§ 3, Besluit van de Vlaamse Regering van 10 december 2010 tot uitvoering van het decreet betreffende de private arbeidsbemiddeling.

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Walloon Region: DÃ©cret du 3 avril 2009 relatif 4 l'enregistrement ou a l'agrÃ©ment des agences de placement (Decree of 3 April 2009 on registration of placement agencies), Article 7; and ArrÃ©tÃ© du Gouvernement wallon du 10 dÃ©cembre 2009 portant exÃ©cution du dÃ©cret du 3 avril 2009 relatif l'enregistrement ou 4 l'agrÃ©ment des agences de placement (Decision of the Walloon Government of 10 December 2009 implementing the Decree of 3 April 2009 on

registration of placement agencies), Article 4.

German-speaking community: Dekret iiber die Zulassung der Leiharbeitsvermittler und die Uberwachung der privaten Arbeitsvermittler / DÃ©cret du 11 mai 2009 relatif & l'agrÃ©ment des

agences de travail intÃ©rimaire et 4 la surveillance des agences de placement privÃ©es, Article 6.

With respect to Investment liberalisation â National treatment and Cross-border trade in

services âNational treatment, Local presence:

In DE: Nationality of a Member State of the EEA or a commercial presence in the European Union is required in order to obtain a licence to operate as a temporary employment agency (pursuant to s. 3 paragraphs 3 to 5 of this Act on temporary agency work (Arbeitnehmeriiberlassungsgesetz). The Federal Ministry of Labour and Social Affairs may issue a regulation concerning the placement and recruitment of non-EEA personnel for specified professions e.g. for health and care related professions. The licence or its extension shall be refused if establishments, parts of establishments or ancillary establishments which are not located in the EEA are intended to execute the temporary employment (pursuant to

Sec. 3 paragraph 2 of the Act on temporary agency work (Arbeitnehmeriiberlassungsgesetz).

In ES: Prior to the start of the activity, placement agencies are required to submit a sworn statement certifying the fulfilment of the requirements stated by the current legislation (CPC 87201, 87202).

Measures:

DE: Gesetz zur Regelung der Arbeitnehmeriiberlassung (AUG); Sozialgesetzbuch Drittes Buch (SGB HI; Social Code, Book Three) - Employment Promotion; Verordnung iiber die Beschaftigung von Auslinderinnen und Auslandern (BeschV; Ordinance

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on the Employment of Foreigners).

ES: Real Decreto-ley 8/2014, de 4 de julio, de aprobaciÃ©n de medidas urgentes para el

crecimiento, la competitividad y la eficiencia (tramitado como Ley 18/2014, de 15 de

octubre).

@ âTranslation and interpretation services (CPC 87905)

With respect to Investment liberalisation âNational treatment:

In BG: To carry out official translation activities foreign natural persons are required to hold a

permit for long-term, prolonged or permanent residency in the Republic of Bulgaria.

Measures:

BG: Regulation for the legalisation, certification and translation of documents.

With respect to Investment liberalisation â National treatment and Cross-border trade in

services â National treatment:

In CY: Registration to the Register of Sworn Translators of the Council of Registration of

Sworn Translators is necessary for the provision of official translation and certification

services. Nationality requirement applies.

In HR: EEA nationality is required for certified translators.

Measures:

CY: The Registration and Regulation of Certified Translator Services Law of 2019 (45(D/2019) as amended..

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HR: Ordinance on permanent court interpreters (OG 88/2008), Article 2.

With respect to Cross-border trade in services âLocal presence:

In FI: Residency in the EEA is required for certified translators.

Measures:

FI: Laki auktorisoiduista kadntajista (Act on Authorised Translators) (1231/2007), s. 2(1)).

(j) Other business services (part of CPC 612, part of 621, part of 625, 87901, 87902, 88493, part of 893, part of 85990, 87909, ISIC 37)

With respect to Cross-border trade in services â Local presence:

In SE: Establishment is required for Pawn-shops (part of CPC 87909).

Measures:

SE: Pawn shop act (1995:1000).

With respect to Investment liberalisation âNational Treatment:

In PT: Nationality of a Member State is required for the provision of collection agency services and credit reporting services (CPC 87901, 87902).

Measures:

PT: Law 49/2004.

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With respect to Investment liberalisation âNational Treatment and Cross-border trade in

services â Local presence:

In CZ: Auction services are subject to licence. To obtain a licence (for the supply of voluntary public auctions), a company must be incorporated in the Czech Republic and a natural person is required to obtain a residency permit, and the company, or natural person must be registered in the Commercial Register of the Czech Republic (part of CPC 612, part of 621, part of 625, part of 85990).

Measures:

CZ: Act no.455/1991 Coll.; Trade Licence Act; and Act no. 26/2000 Coll., on public auctions.

With respect to Cross-border trade in services â Local presence:

In CZ: Only an authorised package company is allowed to supply services relating to packaging take-back and recovery and must be established as legal person (CPC 88493, ISIC 37).

Measures:

CZ: Act. 477/2001 Coll. (Packaging Act) paragraph 16.

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Reservation No. 7 - Construction Services

Sector â sub-sector: Construction and related engineering services

Industry classification: CPC 51

Type of reservation: National treatment

Chapter Chapter: Investment Liberalisation; Cross-border Trade In Services Level of Government: EU/Member State (unless Otherwise Specified) Description: In CY: Nationality Requirement.

Measure:

The Registration and Control of Contractors of Building and Technical Works Law of 2001 (29 (TD) / 2001), Articles 15 and 52.

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Reservation No. 8 - Distribution services

Sector â sub-sector: Distribution services â general, distribution of tobacco

Industry classification: | CPC 3546, part of 621, 6222, 631, part of 632

Type of reservation:

National treatment

Local presence Chapter: Investment liberalisation; Cross-Border trade in services Level of government: EU/Member State (unless otherwise specified)

Description:

(a) Distribution services (CPC 3546, 631, 632 except 63211, 63297, 62276, part of 621)

With respect to Investment liberalisation âNational treatment and Cross-border trade in

services âNational treatment:

In CY: Nationality requirement exists for distribution services provided by pharmaceutical

representatives (CPC 62117).

Measures:

CY: Law 74(1) 2020 as amended.

With respect to Cross-border trade in services â Local presence:

In LT: The distribution of pyrotechnics is subject to licensing. Only legal persons of the Union may obtain a licence (CPC 3546).

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Measures:

LT: Law on Supervision of Civil Pyrotechnics Circulation (23 March 2004. No. IX-2074).

(b) Distribution of tobacco (part of CPC 6222, 62228, part of 6310, 63108)

With respect to Investment liberalisation âNational treatment and Cross-border trade in

services âNational treatment:

In ES: Establishment is subject to a Member State nationality requirement. Only natural

persons may operate as a tobacconist. Each tobacconist cannot obtain more than one license

(CPC 63108).

In FR: Nationality requirement for tobacconists (buraliste) (part of CPC 6222, part of 6310).

Measures:

ES: Law 14/2013 of 27 September 2014.

FR: Code gÃ©nÃ©ral des impÃ©ts.

With respect to Investment liberalisation - MNational treatment and Cross-border trade in

services âNational treatment:

In AT:

Authoisations are given with priority to nationals of a Member State of the EEA (CPC 63108).

Measures:

AT: Tobacco Monopoly Act 1996, Â§ 5 and Â§ 27.

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With respect to Inve Cross-border trade in services âNational treatment:

In IT: In order to distribute and sell tobacco, a licence is needed. The licence is granted through public procedures. The granting of licences is subject to an economic needs test. Main criteria: population and geographical density of existing selling points (part of CPC 6222, part of 6310).

Measures:

IT: Legislative Decree 184/2003;

Law 165/1962;

Law 3/2003;

Law 1293/1957;

Law 907/1942; and

Decree of the President of the Republic (D.P.R.) 1074/1958.

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Reservation No. 9 - Education services

Sector â sub-sector: Education services (privately funded)

Industry classification: CPC 921, 922, 923, 924

Type of reservation:

National treatment

Senior management and boards of directors

Local presence Chapter: Investment liberalisation; Cross-border trade in services Level of government: EU/Member State (unless otherwise specified)

Description:

With respect to Investment liberalisation âNational treatment, Senior management and

boards of directors:

In CY: Nationality of a Member State is required for owners and majority shareholders in a privately funded school. Nationals of Chile may obtain authorisation from the Minister (of

Education) in accordance with the specified form and conditions. Measures: CY: Private Schools Law of 2019 (N. 147(D/2019), as amended; The Institutions of Tertiary

Education Law 1996 (N. 67(D/1996) as amended; and Tthe Private Universities (Establishment, Operation and Control) Law 2005 (N. 109(1)/2005) as amended.

With respect to Investment liberalisation âNational treatment and Cross-border trade in

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services âNational treatment, Local presence:

In BG: Privately funded primary and secondary education services may only be supplied by authorised Bulgarian enterprises (commercial presence is required). Bulgarian kindergartens and schools having foreign participation may be established or transformed at the request of associations, or corporations, or enterprises of Bulgarian and foreign natural or legal entities, duly registered in Bulgaria, by decision of the Council of Ministers on a motion by the Minister of Educationand Science. Foreign owned kindergartens and schools may be established or transformed at the request of foreign legal entities in accordance with international agreements and conventions and under the provisions above. Foreign higher education institutions cannot establish subsidiaries in the territory of Bulgaria. Foreign higher education institutions may open faculties, departments, institutes and colleges in Bulgaria only within the structure of Bulgarian high schools and in cooperation with them (CPC 921, 922).

Measures:

BG: Pre-school and School Education Act; and Law for the Higher Education, paragraph 4 of the additional provisions.

With respect to Investment liberalisation âNational treatment, Local presence:

In SI: Privately funded elementary schools may be founded by Slovenian natural or legal persons only. The service supplier must establish a registered office or branch office (CPC 921).

Measures:

SL Organisation and Financing of Education Act (Official Gazette of Republic of Slovenia, no. 12/1996) and its revisions, Article 40.

With respect to Cross-border trade in services â Local presence:

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In CZ and SK: Establishment in a Member State is required to apply for state approval to operate as a privately funded higher education institution. This reservation does not apply to post-secondary technical and vocational education services (CPC 92310).

Measures:

CZ: Act No. 111/1998, Coll. (Higher Education Act), Â§ 39; and Act No. 561/2004 Coll. on Pre-school, Basic, Secondary, Tertiary Professional and Other Education (the Education Act).

SK: Law No. 131 of 21 February 2002 on Universities.

With respect to Investment liberalisation âNational treatment, Senior management and

boards of directors and Cross-border trade inservices â Local presence:

In EL: Nationality of a Member State is required for owners and a majority of the members of the board of directors in privately funded primary and secondary schools, and for teachers in privately funded primary and secondary education (CPC 921, 922). Education at university level shall be provided exclusively by institutions which are fully self-governed public

law legal persons. However, Law 3696/2008 permits the establishment by Union residents (natural or legal persons) of private tertiary education institutions granting certificates which are not recognised as being equivalent to university degrees (CPC 923).

Measures:

EL: Laws 682/1977, 284/1968, 2545/1940, Presidential Degree 211/1994 as amended by Presidential Degree 394/1997, Constitution of Hellas, Article 16, paragraph 5 and Law 3549/2007.

With respect to Investment liberalisation âNational treatment, Most-favoured nation

treatment and Cross-border trade in services âNational treatment:

In FR: Nationality of a Member State is required in order to teach in a privately funded

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educational institution (CPC 921, 922, 923). However, nationals of Chile may obtain an authorisation from the relevant competent authorities in order to teach in primary, secondary and higher level educational institutions. Nationals of Chile may also obtain an authorisation from the relevant competent authorities in order to establish and operate or manage primary, secondary or higher level educational institutions. Such authorisation is granted on a

discretionary basis.

Measures:

FR: Code de l'Ã©ducation.

With respect to Investment â National treatment and Cross-border trade in services âNational

treatment:

In MT: Service suppliers seeking to provide privately funded higher or adult education services must obtain a licence from the Ministry of Education and Employment. The decision on whether to issue a licence may be discretionary (CPC 923, 924).

Measures:

MT: Legal Notice 296 of 2012.

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Reservation No. 10 - Environmental services

Sector â sub-sector: Environmental services â processing and recycling of used batteries and accumulators, old cars and waste from electrical and electronic equipment; protection of ambient air and climate

cleaning services of exhaust gases

Industry classification: Part of CPC 9402, 9404

Type of reservation: Local presence

Chapter Chapter: Cross-border Trade In Services

Level of government: EU/Member State (unless otherwise specified) Description:

In SE: Only entities established in Sweden or having their principal seat in Sweden are eligible for accreditation to perform control services of exhaust gas (CPC 9404).

In SK: For processing and recycling of used batteries and accumulators, waste oils, old cars and waste from electrical and electronic equipment, incorporation in the EEA is required (residency requirement) (part of CPC 9402).

Measures:

SE: The Vehicles Act (2002:574).

SK: Act 79/2015 on Waste.

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Reservation No. 11 - Health services and social services

Sector â sub-sector: Health services and social services

Industry classification: CPC 931, 933

Type of reservation:

National treatment Chapter: Investment liberalisation and Cross-border trade in services Level of government: EU/Member State (unless otherwise specified)

Description:

With respect to Investment liberalisation âNational treatment:

In FR: For hospital and ambulance services, residential health facilities (other than hospital services) and social services, an authorisation is necessary in order to exercise management functions. The authorisation process takes into account the availability of local managers. Measures:

FR: Loi 90-1258 relative a l'exercice sous forme de sociÃ©tÃ© des professions libÃ©rales, Loi

nÂ°2011-940 du 10 aoft 2011 modifiant certaines dipositions de la loi nÂ°2009-879 dite HPST, Loi nÂ°47-1775 portant statut de la coopÃ©ration; and Code de la santÃ© publique.

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Reservation No. 12 - Tourism and travel related services

Sector â sub-sector: Tourism and travel related services - hotels, restaurants and catering; travel agencies and tour operators services (including tour managers); tourist guides services

Industry classification: CPC 641, 642, 643, 7471, 7472

Type of reservation:

National treatment

Senior management and boards of directors

Local presence Chapter: Investment liberalisation; Cross-border trade in services Level of government: EU/Member State (unless otherwise specified)

Description:

With respect to Investment liberalisation âNational treatment, Senior management and

boards of directors and Cross-border trade in services âNational treatment:

In BG: Tour operation or travel agency services may be provided by a person established in the EEA if, upon establishment in the territory of Bulgaria, the said person presents a copy of a document certifying the right thereof to practice that activity and a certificate or another document issued by a credit institution or an insurer containing data of the existence of insurance covering the liability of the said person for damage which may ensue as a result of a culpable non-fulfilment of professional duties. The number of foreign managers may not exceed the number of managers who are Bulgarian nationals, in cases where the public (state or municipal) share in the equity capital of a Bulgarian company exceeds 50 per cent. EEA nationality requirement for tourist guides (CPC 641, 642, 643, 7471, 7472).

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Measures:

BG: Law for Tourism, Articles 61, 113 and 146.

With respect to Investment liberalisation â MarNational treatment and Cross-border trade in

services âNational treatment, Local presence:

In CY: A licence to establish and operate a tourism and travel company or agency, as well as the renewal of an operating licence of an existing company or agency, shall be granted only to European Union natural or legal persons. No non-resident company except those established in another Member State, can provide in the Republic of Cyprus, on an organised or permanent basis, the activities referred to under Article 3 of the abovementioned Law, unless represented by a resident company. The provision of tourist guide services and travel agencies and tour operators services requires nationality of a Member State (CPC 7471, 7472).

Measures:

CY: The Tourism and Travel Offices and Tourist Guides Law 1995 (Law 41(D/1995) as amended).

With respect to Investment liberalisation âNational treatment, Most-favoured nation treatment and Cross-border trade in services âNational treatment, Most-favoured nation

treatment:

In EL: Third-country nationals have to obtain a diploma from the Tourist Guide Schools of the Greek Ministry of Tourism, in order to be entitled to the right of practicing the profession. By exception, the right of practicing the profession can be temporarily (up to one year) accorded to third-country nationals under certain explicitly defined conditions, by way of derogation of the above mentioned provisions, in the event of the confirmed absence of a

tourist guide for a specific language.

With respect to Investment liberalisation âNational treatment and Cross-border trade in

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services âNational treatment,:

In ES (for ES applies also to the regional level of government): Nationality of a Member State is required for the provision of tourist guide services (CPC 7472).

In HR: EEA nationality is required for hospitality and catering services in households and rural homesteads (CPC 641, 642, 643, 7471, 7472).

Measures:

EL: Presidential Degree 38/2010, Ministerial Decision 165261/IA/2010 (Gov. Gazette 2157/B), Article 50 of the law 4403/2016, Article 47 of the law 4582/2018 (Gov. Gazette 208/A).

ES: Andalucia: Decreto 8/2015, de 20 de enero, Regulador de gufas de turismo de Andalucfa; AragÃ©n: Decreto 21/2015, de 24 de febrero, Reglamento de Gufas de turismo de AragÃ©n; Cantabria: Decreto 51/2001, de 24 de julio, Article 4, por el que se modifica el Decreto 32/1997, de 25 de abril, por el que se aprueba el reglamento para el ejercicio de actividades turisticoinformativas privadas;

Castilla y LeÃ©n: Decreto 25/2000, de 10 de febrero, por el que se modifica el Decreto 101/1995, de 25 de mayo, por el que se regula la profesiÃ©n de gufa de turismo de la Comunidad AutÃ©noma de Castilla y LeÃ©n;

Castilla la Mancha: Decreto 86/2006, de 17 de julio, de OrdenaciÃ©n de las Profesiones Turisticas;

Catalufia: Decreto Legislativo 3/2010, de 5 de octubre, para la adecuaciÃ©n de normas con rango de ley a la Directiva 2006/123/CE, del Parlamento y del Consejo, de 12 de diciembre de 2006, relativa a los servicios en el mercado interior, Article 88;

Comunidad de Madrid: Decreto 84/2006, de 26 de octubre del Consejo de Gobierno, por el que se modifica el Decreto 47/1996, de 28 de marzo;

Comunidad Valenciana: Decreto 90/2010, de 21 de mayo, del Consell, por el que se modifica el reglamento regulador de la profesiÃ©n de guia de turismo en el ambito territorial de la Comunitat Valenciana, aprobado por el Decreto 62/1996, de 25 de marzo, del Consell; Extremadura: Decreto 37/2015, de 17 de marzo;

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Galicia: Decreto 42/2001, de 1 de febrero, de RefundiciÃ©n en materia de agencias de viajes, guias de turismo y turismo activo;

Illes Balears: Decreto 136/2000, de 22 de septiembre, por el cual se modifica el Decreto 112/1996, de 21 de junio, por el que se regula la habilitaciÃ©n de gufa turfstico en las Islas Baleares; Islas Canarias: Decreto 13/2010, de 11 de febrero, por el que se regula el acceso y ejercicio de la profesiÃ©n de gufa de turismo en la Comunidad AutÃ©noma de Canarias,

Article 5.

La Rioja: Decreto 14/2001, de 4 de marzo, Reglamento de desarrollo de la Ley de Turismo de La Rioja;

Navarra: Decreto Foral 288/2004, de 23 de agosto. Reglamento para actividad de empresas de turismo activo y cultural de Navarra.

Principado de Asturias: Decreto 59/2007, de 24 de mayo, por el que se aprueba el Reglamento regulador de la profesiÃ©n de Guia de Turismo en el Principado de Asturias; and

RegiÃ©n de Murcia: Decreto n.Â° 37/2011, de 8 de abril, por el que se modifican diversos decretos en materia de turismo para su adaptaciÃ©n a la ley 11/1997, de 12 de diciembre, de turismo de la RegiÃ©n de Murcia tras su modificaciÃ©n por la ley 12/2009, de 11 de diciembre, por la que se modifican diversas leyes para su adaptaci6n a la directiva 2006/123/CE, del Parlamento Europeo y del Consejo de 12 de diciembre de 2006, relativa a los servicios en el

mercado interior.

HR: Hospitality and Catering Industry Act (OG 138/06, 152/08, 43/09, 88/10 i 50/12); and Act on Provision of Tourism Services (OG No. 68/07 and 88/10).

With respect to Investment liberalisation â National treatment and Cross-border trade in

services âNational treatment:

In HU: The supply of travel agent and tour operator services, and tourist guide services on a cross-border basis is subject to a licence issued by the Hungarian Trade Licensing Office. Licences are reserved to EEA nationals and legal persons having their seats in the EEA (CPC 7471, 7472).

In IT (applies also to the regional level of government): tourist guides from non-European

Union countries need to obtain a specific licence from the region in order to act as a

professional tourist guide. Tourist guides from Member States can work freely without the requirement for such a licence. The licence is granted to tourist guides demonstrating adequate competence and knowledge (CPC 7472).

Measures:

HU: Act CLXIV of 2005 on Trade, Government Decree No. 213/1996 (XII.23.) on Travel Organisation and Agency Activities.

IT: Law 135/2001 Articles 7.5 and 6; and Law 40/2007 (DL 7/2007).

Reservation No. 13 - Recreational, cultural and sporting services

Sector â sub-sector: Recreational services; other sporting services

Industry classification: | CPC 962, part of 96419

Type of reservation:

National treatment

Senior management and boards of directors

Chapter Chapter: Investment Liberalisation; Cross-border Trade In Services Level of Government: EU/Member State (unless Otherwise Specified) Description: (a) News and Press Agencies (CPC 962)

With respect to Investment liberalisation â National treatment[, Senior management and

boards of directors]:

In CY: Establishment [and operation] of press agencies/sub-agencies in the Republic is granted only to citizens of the Republic or EU citizens or to legal entities governed by citizens of the Republic or EU citizens.

Measures:

CY: Press Law (N.145/89) as amended

(b) Other sporting services (CPC 96419)

With respect to Investment liberalisation â National treatment, Senior management and

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boards of directors and Cross-border trade in services âNational treatment:

In AT (applies to the regional level of government): The operation of ski schools and mountain guide services is governed by the laws of the Bundesliinder. The provision of these services may require nationality of a Member State of the EEA. Enterprises may be required to appoint a managing director who is a national of a Member State of the EEA.

With respect to Investment liberalisation â National treatment and Cross-border trade in

services âNational treatment:

In CY: Nationality requirement for the establishment of a dance school and nationality requirement for physical instructors.

Measures:

AT: Karntner Schischulgesetz, LGBL. Nr. 53/97;

K&rntner Berg- und Schifiihrergesetz, LGBL. Nr. 25/98;

NO- Sportgesetz, LGBL. Nr. 5710;

OO- Sportgesetz, LGBI. Nr. 93/1997;

Salzburger Schischul- und Snowboardschulgesetz, LGBL. Nr. 83/89; Salzburger Bergfiihrergesetz, LGBL. Nr. 76/81;

Steiermarkisches Schischulgesetz, LGBL. Nr.58/97; Steiermarkisches Berg- und Schifiihrergesetz, LGBL. Nr. 53/76; Tiroler Schischulgesetz. LGBL. Nr. 15/95;

Tiroler Bergsportfiihrergesetz, LGBL. Nr. 7/98;

Vorarlberger Schischulgesetz, LGBL. Nr. 55/02 Â§4 (2)a; Vorarlberger Bergfiihrergesetz, LGBL. Nr. 54/02; and

Wien: Gesetz tiber die Unterweisung in Wintersportarten, LGBL. Nr. 37/02.

CY: Law 65(D/1997 as amended; and Law 17(D /1995 as amended.

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Reservation No. 14 - Transport services and services auxiliary to transport services

Sector â sub-sector:

Industry classification:

Type of reservation:

Chapter Chapter: Level of Government:

Description:

Transport services - fishing and water transportation â any other commercial activity undertaken from a ship; water transportation and auxiliary services for water transport; rail transport and auxiliary services to rail transport; road transport and services auxiliary to road transport; services auxiliary to air transport

services

ISIC Rev. 3.1 0501, 0502; CPC 5133, 5223, 711, 712, 721, 741,

742, 743, 744, 745, 748, 749, 7461, 7469, 83103, 86751, 86754,

8730, 882

National treatment

Most-favoured-nation treatment

Senior management and boards of directors

Local presence

Investment liberalisation; Cross-border trade in services

EU/Member State (unless otherwise specified)

(a) Maritime transport and auxiliary services for maritime transport. Any commercial activity undertaken from a ship (ISIC Rev. 3.1 0501, 0502; CPC 5133, 5223, 721, Part of 742, 745, 74540, 74520, 74590, 882)

With respect to Investment liberalisation âNational treatment, Senior management and

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boards of directors; Cross-border trade in services âNational treatment:

In BG: The carriage and any activities related to hydraulic-engineering and underwater technical works, prospecting and extraction of mineral and other inorganic resources, pilotage, bunkering, receipt of waste, water-and-oil mixtures and other such, performed by vessels in the internal waters, and the territorial sea of Bulgaria, may only be performed by vessels flying the Bulgarian flag or vessels flying the flag of another Member State.

Nationality requirement for supporting services. The master and the chief engineer of the vessel shall mandatorily be nationals of a Member State of the EEA, or of the Swiss Confederation. (ISIC Rev. 3.1 0501, 0502, CPC 5133, 5223, 721, 74520, 74540, 74590, 882).

Measures:

BG: Merchant Shipping Code; Law For the Sea Water, Inland Waterways and Ports of the Republic of Bulgaria; Ordinance for the condition and order for selection of Bulgarian carriers for carriage of passengers and cargoes under international treaties; and Ordinance 3 for

servicing of unmanned vessels.

With respect to Cross-border trade in services â Local presence:

In DK: Pilotage-providers may only conduct pilotage service in Denmark, if they are domiciled in the EEA and registered and approved by the Danish Authorities in accordance with the Danish Act on Pilotage (CPC 74520).

Measures:

DK: Danish Pilotage Act, $18.

With respect to Investment liberalisation - National treatment, Most-favoured nation

treatment and Cross-border trade in services - National treatment, Most-favoured-nation

treatment:

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In DE (applies also to the regional level of government): A vessel that does not belong to a national of a Member State may only be used for activities other than transport and auxiliary services in the German federal waterways after specific authorisation. Waivers for non- European Union vessels may only be granted if no European Union vessels are available or if they are available under very unfavourable conditions, or on the basis of reciprocity. Waivers for vessels flying under Chilean flag may be granted on the basis of reciprocity (Â§ 2 paragraph 3 KuSchVO). All activities falling within the scope of the pilot

law are regulated and accreditation is restricted to nationals of the EEA or the Swiss Confederation. Provision and Operation of facilities for pilotage is restricted to public authorities or companies, which are

designated by them.

For rental or leasing of seagoing vessels with or without operators, and for rental or leasing without operator of non-seagoing vessels, the conclusion of contracts for freight transport by ships flying a foreign flag or the chartering of such vessels may be restricted, depending on the availability of ships flying under the German flag or the flag of another Member State.

Transactions between residents and non-residents concerning:

G@) rental of inland waterway transport vessels, which are not registered in the

economic area; Gi) transport of freight with such inland waterway transport vessels; or (ii) towing services by such inland waterway transport vessels, within the economic area may be restricted (Water transport, Supporting services for water transport, Rental of ships, Leasing services of ships without operators (CPC 721, 745, 83103, 86751, 86754, 8730)).

Measures:

DE: Gesetz iiber das Flaggenrecht der Seeschiffe und die Flaggenfiihrung der Binnenschiffe (Flaggenrechtsgesetz; Flag Protection Act);

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Verordnung iiber die Kiistenschifffahrt (KiSchV);

Gesetz tiber die Aufgaben des Bundes auf dem Gebiet der Binnenschiffahrt (Binnenschiffahrtsaufgabengesetz - BinSchAufgG);

Verordnung iiber BefaÃ©higungszeugnisse in der Binnenschiffahrt (Binnenschifferpatentverordnung - BinSchPatentV);

Gesetz tiber das Seelotswesen (Seelotsgesetz - SeeLG);

Gesetz tiber die Aufgaben des Bundes auf dem Gebiet der Seeschiffahrt (Seeaufgabengesetz - SeeAufgG); and

Verordnung zur Eigensicherung von Seeschiffen zur Abwehr auBerer Gefahren (See-

Eigensicherungsverordnung - SeeEigensichV).

With respect to Investment liberalisation -National treatment and Cross-border trade in

services - National treatment:

In FI: Supporting services for maritime transport when provided in Finnish maritime waters

are reserved to fleets operating under the national, Union or Norwegian flag (CPC 745).

Measures:

FI: Merilaki (Maritime Act) (674/1994); and

Laki elinkeinon harjoittamisen oikeudesta (Act on the Right to Carry on a Trade) (122/1919),

s.4.

(b) Rail transport and auxiliary services to rail transport (CPC 711, 743)

With respect to Investment liberalisation - National treatment, and Cross-border trade in

services - National treatment, Local presence: In BG: Only nationals of a Member State may provide rail transport or supporting services for

rail transport in Bulgaria. A licence to carry out passenger or freight transportation by rail is issued by the Minister of Transport to railway operators registered as traders (CPC 711, 743).

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Measures:

BG: Law for Railway Transport, Articles. 37, 48.

(Â©) Road transport and services auxiliary to road transport (CPC 712, 7121, 7122, 71222, 7123)

With respect to Investment liberalisation - National treatment, Most-favoured-nation

treatment, and Cross-border trade in services - National treatment, Local presence:

In AT (with respect also to Most-favoured-nation treatment): For passenger and freight transportation, exclusive rights or authorisations may only be granted to nationals of the Contracting Parties of the EEA and to legal persons of the Union having their headquarters in Austria. Licences are granted on nonâ discriminatory terms, under condition of reciprocity (CPC 712).

Measures:

AT: GiiterbefÃ©rderungsgesetz (Goods Transportation Act), BGBIL. Nr. 593/1995; Â§ 5; Gelegenheitsverkehrsgesetz (Occasional Traffic Act), BGB1. Nr. 112/1996; Â§ 6; and Kraftfahrliniengesetz (Law on Scheduled Transport), BGB1. I Nr. 203/1999 as amended, Â§Â§ 7 and 8.

With respect to Investment liberalisation - National treatment, Most-favoured-nation

treatment:

In EL: For operators of road freight transport services. In order to engage in the occupation of road freight transport operator a Hellenic licence is needed. Licences are granted on nonâ

discriminatory terms, under condition of reciprocity (CPC 7123).

Measures:

EL: Licensing of road freight transport operators: Greek law 3887/2010 (Government Gazette

97

Aâ 174), as amended by Article 5 of law 4038/2012 (Government Gazette Aâ 14).

With respect to Cross-border trade in services - Local presence:

In CZ: Establishment in the Czech Republic is required.

Measures:

CZ: Act no. 111/1994. Coll. on Road Transport.

With respect to Investment liberalisation - National treatment and Cross-border trade in

services - National treatment, Most-favoured-nation treatment:

In SE: In order to engage in the occupation of road transport operator, a Swedish licence is needed. Criteria for receiving a taxi licence include that the company has appointed a natural person to act as the transport manager (a de facto residency requirement â see the Swedish reservation on types of establishment).

Criteria for receiving a licence for other road transport operators require that the company be established in the European Union, have an establishment situated in Sweden and have appointed a natural person to act as the transport manager, who must be resident in the

European Union.

Measures:

SE: Yrkestrafiklag (2012:210) (Act on professional traffic);

YrkestrafikfSrordning (2012:237) (Government regulation on professional traffic); Taxitrafiklag (2012:211) (Act on Taxis); and

TaxitrafikfÃ©rordning (2012:238) (Government regulation on taxis).

With respect to Cross-border trade in services â Local presence:

In SK: A taxi service concession and a permit for the operation of taxi dispatching can be

granted to a person who has a residence or place of establishment in the territory of the Slovak

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Republic or in another EEA Member State. Measures:

Act 56/2012 Coll. on Road Transport

(d) Services auxiliary to air transport services

With respect to Investment liberalisation - National treatment, Most-favoured-nation treatment and Cross-border trade in services â National treatment, Most-favoured-nation

treatment:

In EU: For groundhandling services, establishment within the Union territory may be

required. Reciprocity is required. Measures: EU: Council Directive 96/67/EC of 15 October 19968.

In BE (applies also to the regional level of government): For groundhandling services,

reciprocity is required.

Measures:

BE: ArrÃ©tÃ© Royal du 6 novembre 2010 rÃ©glementant l'accÃ©s au marchÃ© de lâassistance en escale a l'aÃ©roport de Bruxelles-National (Article 18);

Besluit van de Vlaamse Regering betreffende de toegang tot de grondafhandelingsmarkt op de Vlaamse regionale luchthavens (Article 14); and

ArrÃ©tÃ© du Gouvernement wallon rÃ©glementant l'accÃ©s au marchÃ© de l'assistance en escale aux aÃ©roports relevant de la RÃ©gion wallonne (Article14).

(e) Supporting services for all modes of transport (part of CPC 748)

a Council Directive 96/67/EC of 15 October 1996 on access to the groundhandling market at Community airports (OJ L 272, 25.10.1996, p.36). 99

With respect to Cross-border trade in services â Local presence:

The EU (applies also to the regional level of government): Customs clearance services may

only be provided by Union residents or legal persons established in the Union. Measures:

EU: Regulation (EU) No 952/2013 of the European Parliament and of the Council?

@) Provision of combined transport services With respect to Cross-border trade in services â Local presence:

The EU (applies also to the regional level of government): With the exception of FTI: only hauliers established in a Member State of the European Union who meet the conditions of access to the occupation and access to the market for transport of goods between Member States of the European Union may, in the context of a combined transport operation between Member States of the European Union, carry out initial or final road haulage legs which form an integral part of the combined transport operation and which may or may not include the

crossing of a frontier. Limitations affecting any given modes of transport apply.

Necessary measures can be taken to ensure that the motor vehicle taxes applicable to road

vehicles routed in combined transport are reduced or reimbursed.

Measures: EU: Directive 1992/106/EEC of 7 December 1992 on the establishment of common rules for

certain types of combined transport of goods between Member States.

8 Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code. 100

Reservation No. 15 â Mining and Energy related activities

Sector â sub-sector:

Industry classification:

Type of reservation:

Chapter Chapter: Level of Government:

Description:

Mining and quarrying - energy producing materials; mining and quarrying - metal ores and other mining; Energy related activities - production, transmission and distribution on own account of electricity, gas, steam and hot water; pipeline transportation of fuels; storage and warehouse of fuels transported through

pipelines; and services incidental to energy distribution

ISIC Rev. 3.1 10, 11, 12, 13, 14, 40, CPC 5115, 63297, 713, part

of 742, 8675, 883, 887

National treatment

Senior management and boards of directors

Local presence

Investment liberalisation; Cross-border trade in services

EU/Member State (unless otherwise specified)

(a) Mining and quarrying (ISIC Rev. 3.1 10, 11, 12: Mining of energy producing materials; 13, 14: Mining of metal ores and other mining;, CPC 5115, 7131, 8675,

883)

With respect to Investment liberalisation â National treatment, Most-favoured nation

treatment:

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In BG: The activities of prospecting or exploration of underground natural resources on the territory of the Republic of Bulgaria, in the continental shelf and in the exclusive economic zone in the Black Sea are subject to permission, while the activities of extraction and

exploitation are subject to concession granted under the Underground Natural Resources Act.

It is forbidden for companies registered in preferential tax treatment jurisdictions (that is, offshore zones) or related, directly or indirectly, to such companies to participate in open procedures for granting permits or concessions for prospecting, exploration or extraction of natural resources, including uranium and thorium ores, as well as to operate an existing permit or concession which has been granted, as such operations are precluded, including the possibility to register the geological or commercial discovery of a deposit as a result of

exploration.

The mining of uranium ore is closed by Decree of the Council of Ministers No. 163 of 20.08.1992.

With regard to exploration and mining of thorium ore, the general regime of permits and concessions applies. Decisions to allow the exploration or mining of thorium ore are taken on

a non-discriminatory individual case-by-case basis.

According to Decision of the National Assembly of the Republic of Bulgaria of 18 Jan 2012 (ch. 14 June 2012) any usage of hydraulic fracturing technology that is, fracking, for activities

of prospecting, exploration or extraction of oil and gas is forbidden.

Exploration and extraction of shale gas is forbidden (ISIC 10, 11, 12, 13, 14).

Measures:

BG: Underground Natural Resources Act;

Concessions Act;

Law on Privatisation and Post-Privatisation Control;

Safe Use of Nuclear Energy Act; Decision of the National Assembly of the Republic of

Bulgaria of 18 Jan 2012; Economic and Financial Relations with Companies Registered in

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Preferential Tax Treatment Jurisdictions, the Persons Controlled Thereby and Their Beneficial

Owners Act; and Subsurface Resources Act.

With respect to Investment liberalisation âNational treatment, Most-favoured nation

treatment:

In CY: The Council of Ministers may refuse to allow the activities of prospection, exploration and exploitation of hydrocarbons to be carried out by any entity which is effectively controlled by Chile or by nationals of Chile. After the granting of an authorisation, no entity may come under the direct or indirect control of Chile or a national of Chile without the prior approval of the Council of Ministers. The Council of Ministers may refuse to grant an authorisation to an entity which is effectively controlled by Chile or by a national of Chile, if Chile does not grant entities of the Republic or entities of Member States as regards access to and exercise of the activities of prospecting, exploring for and exploiting hydrocarbons, treatment comparable to that which the Republic or Member State grants entities from Chile (ISIC Rev 3.1 1110).

Measures:

CY: The Hydrocarbons (Prospection, Exploration and Exploitation Law) of 2007, (Law 4(1D/2007) as amended.

With respect to Investment liberalisation âNational treatment and Cross-border services â

Local presence:

In SK: For mining, activities related to mining and geological activity, incorporation in the EEA is required (no branching). Mining and prospecting activities covered by Act of the Slovak Republic 44/1988 on protection and exploitation of natural resources are regulated on a non-discriminatory basis, including through public policy measures seeking to ensure the conservation and protection of natural resources and the environment such as the authorisation or prohibition of certain mining technologies. For greater certainty, such measures include the prohibition of the use of cyanide leaching in the treatment or refining of

minerals, the requirement of a specific authorisation in the case of fracking for activities of

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prospecting, exploration or extraction of oil and gas, as well as prior approval by local referendum in the case of nuclear/radioactive mineral resources. This does not increase the non-conforming aspects of the existing measure for which the reservation is taken. (ISIC 10, 1112, 13, 14, CPC 5115, 7131, 8675 and 883).

Measures

SK: Act 51/1988 on Mining, Explosives and State Mining Administration; and Act 569/2007 on Geological Activity, Act 44/1988 on protection and exploitation of natural resources.

With respect to Cross-border trade in services â Local presence:

In FI: The exploration for and exploitation of mineral resources are subject to a licensing requirement, which is granted by the Government in relation to the mining of nuclear material. A permit of redemption for a mining area is required from the Government. Permission may be granted to a natural person resident in the EEA or a legal person established in the EEA. (ISIC Rev. 3.1 120, CPC 5115, 883, 8675).

In IE: Exploration and mining companies operating in Ireland are required to have a presence there. In the case of minerals exploration, there is a requirement that companies (Irish and foreign) employ either the services of an agent or a resident exploration manager in Ireland while work is being undertaken. In the case of mining, it is a requirement that a State Mining Lease or License be held by a company incorporated in Ireland. There are no restrictions as to ownership of such a company (ISIC Rev. 3.1 10, 3.1 13, 3.1 14, CPC 883).

LT: All subsurface mineral resources (energy, metals, industrial and construction minerals) in Lithuania are of exclusive state-ownership. Licenses of geological exploration or exploitation of mineral resources may be granted to a natural person resident in the EU and in the EEA or

a juridical person established in the EU and in the EEA.

Measures

FI: Kaivoslaki (Mining Act) (621/2011); and

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Ydinenergialaki (Nuclear Energy Act) (990/1987).

TE: Minerals Development Acts 1940 â 2017; and Planning Acts and Environmental Regulations.

LT: The Constitution of the Republic of Lithuania, 1992. Last amendment 21 of March 2019 No. XHI-2004, The Underground Law No. I-1034, 1995, new redaction from 10 of April 2001 No. IX-243, last amendment 14 of April 2016 No XHI-2308.

With respect only to Investment National treatment and Cross-border trade in services â

Local presence:

In SI: The exploration for and exploitation of mineral resources, including regulated mining services, are subject to establishment in or citizenship of the EEA, the Swiss Confederation or an OECD Member(ISIC Rev. 3.1 10, ISIC Rev. 3.1 11, ISIC Rev. 3.1 12, ISIC Rev. 3.1 13, ISIC Rev. 3.1 14, CPC 883, CPC 8675).

Measures

SE: Mining Act 2014.

(b) Production, transmission and distribution on own account of electricity, gas, steam and hot water; pipeline transportation of fuels; storage and warehouse of fuels transported through pipelines; services incidental to energy distribution (ISIC Rey. 3.1 40, 3.1 401, CPC 63297, 713, part of 742, 74220, 887)

With respect to Investment liberalisation â National treatment, Senior management and

boards of directors and Cross-border trade in services â National treatment, Local presence:

In AT: With regard to the transportation of gas authorisation is only granted to nationals of a Member State of the EEA domiciled in the EEA. Enterprises and partnerships must have their seat in the EEA. The operator of the network must appoint a Managing Director and a

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Technical Director who is responsible for the technical control of the operation of the network, both of whom must be nationals of a member state of the EEA. With regard to the activity performed by a balance responsible party au-thorisation is only granted to Austrian citizens or citizens of another Member State of the EU or the EEA.

The competent authority may waive the nationality and domiciliation requirements where the

operation of the network is considered to be in the public interest.

For the transportation of goods other than gas and water, the following applies:

G) with regard to natural persons, authorisation is only granted to EEA-nationals who

must have a seat in Austria; and

(ii) enterprises and partnerships must have their seat in Austria. An Economic Needs Test or interest test is applied. Cross border pipelines must not jeopardise Austria's security interests and its status as a neutral country. Enterprises and partnerships have to appoint a managing director who must be a national of a member state of the EEA. The competent authority may waive the nationality and seat requirements if the operation of the pipeline is considered to be in the

national economic interest (CPC 713).

Measures:

AT: Rohrleitungsgesetz (Law on Pipeline Transport), BGBI. Nr. 411/1975 as amended, Â§Â§ 5, 15; Gaswirtschaftsgesetz 2011 (Gas Act), BGBI. I Nr. 107/2011 as amended, Â§Â§ 43, 44, 90, 93.

With respect to Investment liberalisation â National treatment, Senior management and boards of director and Cross-border trade in services â (applies only to the regional level of

government) National treatment, Local presence:

In AT: With regard to transmission and distribution of electricity, authorisation is only granted to nationals of a Member State of the EEA domiciled in the EEA. If the operator

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appoints a managing director or a leaseholder, the domicile requirement is waived.

Legal persons (enterprises) and partnerships must have their seat in the EEA. They must appoint a managing director or a leaseholder, both of whom must be nationals of a Member State of the EEA domiciled in the EEA.

The competent authority may waive the domicile and nationality requirements where the operation of the network is considered to be in the public interest (ISIC Rev. 3.1 40, CPC 887).

Measures:

AT: Burgenlandisches Elektrizititswesengesetz 2006, LGB]. Nr. 59/2006 as amended; NiederÃ©sterreichisches Elektrizitaitswesengesetz, LGB1. Nr. 7800/2005 as amended; Oberisterreichisches ElektrizitaÃ©tswirtschafts- und -organisationsgesetz 2006), LGBI. Nr. 1/2006 as amended;

Salzburger Landeselektrizititsgesetz 1999 (LEG),LGBI. Nr. 75/1999 as amended;

Tiroler ElektrizitaÃ©tsgesetz 2012 âTEG 2012, LGBI. Nr. 134/2011 as amended; Vorarlberger Elektrizititswirtschaftsgesetz, LGB1. Nr. 59/2003 as amended;

Wiener Elektrizitatswirtschaftsgesetz 2005 â WEIWG 2005, LGBI. Nr. 46/2005 as amended; Steiermarkisches Elektrizititswirtschafts- und Organisationsgesetz(ELWOG), LGBI. Nr. 70/2005 as amended;

K&rntner Elektrizitatswirtschafts-und Organisationsgesetz/ELWOG), LGBL. Nr. 24/2006 as

amended.

With respect to Investment liberalisation âNational treatment and Cross-border trade in

services â Local presence:

In CZ: For electricity generation, transmission, distribution, trading, and other electricity market operator activities, as well as gas generation, transmission, distribution, storage and trading, as well as heat generation and distribution, authorisation is required. Such authorisation may only be granted to a natural person with a residence permit or a legal person established in the Union. (ISIC Rev. 3.1 40, CPC 7131, 63297, 742, 887).

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In LT: The licences for transmission, distribution, public supply and organizing of trade of electricity may only be issued to legal persons established in the Republic of Lithuania or branches of foreign legal persons or other organisations of another Member State established in the Republic Lithuania. The permits to generate electricity, develop electricity generation capacities and build a direct line may be issued to individuals with residency in the Republic of Lithuania or to legal persons established in the Republic of Lithuania, or to branches of legal persons or other organizations of another Member States

established in the Republic of Lithuania. This reservation does not apply to consultancy services related to the transmission

and distribution on a fee or contract basis of electricity (ISIC Rev. 3.1 401, CPC 887).

In the case of fuels, establishment is required. Licences for transmission and distribution, storage of fuels and liquefaction of natural gas may only be issued to legal persons established in the Republic of Lithuania or branches of legal persons or other organisations (subsidiaries) of another Member State established in the Republic Lithuania.

This reservation does not apply to consultancy services related to the transmission and distribution on a fee or contract basis of fuels (CPC 713, CPC 887).

In PL: the following activities are subject to licensing under the Energy Law Act:

G) generation of fuels or energy, except for: generation of solid or gaseous fuels; generation of electricity using electricity sources of the total capacity of not more than 50 MW other than renewable energy sources; cogeneration of electricity and heat using sources of the total capacity of not more than 5 MW other than renewable energy sources; generation of heat using the sources of the total

capacity of not more than 5 MW;

Gi) storage of gaseous fuels in storage installations, liquefaction of natural gas and regasification of liquefied natural gas at LNG installations, as well as the storage of liquid fuels, except for: the local storage of liquid gas at installations of the capacity of less than 1 MJ/s capacity and the storage of liquid fuels in retail trade;

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(ii) transmission or distribution of fuels or energy, except for: the distribution of gaseous fuels in grids of less than 1 MJ/s capacity and the transmission or distribution of heat if the total capacity ordered by customers does not exceed 5 MW;

(iv) trade in fuels or energy, except for: the trade in solid fuels; the trade in electricity using installations of voltage lower than 1 kV owned by the customer; the trade in gaseous fuels if their annual turnover value does not exceed the equivalent of EUR 100 000â¬; the trade in liquid gas, if the annual turnover value does not exceed EUR 10 000â¬; and the trade in gaseous fuels and electricity performed on commodity exchanges by brokerage houses which conduct the brokerage activity on the exchange commodities on the basis of the Act of 26 October 2000 on commodity exchanges, as well as the trade in heat if the capacity ordered by the customers does not exceed 5 MW. The limits on turnover do not apply to wholesale trade services in gaseous fuels or liquid gas or to retail services of

bottled gas.

A licence may only be granted by the competent authority to an applicant that has registered their principal place of business or residence in the territory of a Member State of the EEA or the Swiss Confederation (ISIC Rev. 3.1 040, CPC 63297, 74220, CPC 887).

Measures:

CZ: Act No. 458/2000 Coll on Business conditions and public administration in the energy sectors (The Energy Act).

LT: Law on Natural Gas of the Republic of Lithuania of 10 October 2000 No VIII-1973, new redaction from 1 August 2011 No XI-1564, last amendment 25 June 2020 No. XIH-3140; Law on Electricity of the Republic of Lithuania of 20 July 2000 No VII-1881, new redaction from 7 February 2012, last amendment 20 of October 2020 No. XIII-3336; Law on Necessary measures to protect against non-safe nuclear electrical threats from third countries of 20 April 2017 No XIII-306, last amendment on 19 December 2019 No. XII-2705; Law on Renewable energy sources of the Republic of Lithuania of 12 May 2011 No. XI-1375.

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PL: Energy Law Act of 10 April 1997, Articles 32 and 33.

With respect to Cross-border trade in services â Local presence:

In SI: The production, trading, supply to final customers, transmission and distribution of electricity and natural gas is subject to establishment in the Union (ISIC Rev. 3.1 4010, 4020, CPC 7131, CPC 887).

Measures:

SI: Energetski zakon (Energy Act) 2014, Official Gazette RS, nr. 17/2014; and Mining Act 2014,

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Reservation No. 16 - Agriculture, fishing and manufacturing Sector â sub-sector: Agriculture, hunting, forestry; animal and reindeer husbandry, fishing and aquaculture; publishing, printing and reproduction of

recorded media

Industry classification: ISIC Rev. 3.1 011, 012, 013, 014, 015, 1531, 050, 0501, 0502, 221, 222, 323, 324, CPC 881, 882, 88442

Type of reservation:

National treatment

Most-favoured-nation treatment

Performance requirements

Senior management and boards of directors

Local presence Chapter: Investment liberalisation; Cross-border trade in services Level of government: EU/Member State (unless otherwise specified)

Description:

(a) Agriculture, hunting and forestry (ISIC Rev. 3.1 011, 012, 013, 014, 015, 1531,

CPC 881)

With respect to Investment liberalisation â National treatment:

In IE: Establishment by foreign residents in flour milling activities is subject to authorisation

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ISIC Rev. 3.1 1531).

Measures:

TE: Agriculture Produce (Cereals) Act, 1933.

With respect to Investment liberalisation â National treatment:

In FI: Only nationals of a Member State of the EEA resident in the reindeer herding area may

own reindeer and practice reindeer husbandry. Exclusive rights may be granted.

In FR: Prior authorisation is required in order to become a member or act as a director of an agricultural cooperative (ISIC Rev. 3.1 011, 012, 013, 014, 015).

In SE: Only Sami people may own and practice reindeer husbandry.

Measures:

FI: Poronhoitolaki (Reindeer Husbandry Act) (848/1990), Chapter 1, s. 4, Protocol 3 to the

Accession Treaty of Finland.

FR: Code rural et de la pÃ©che maritime.

SE: Reindeer Husbandry Act (1971:437), section 1.

(b) Fishing and aquaculture (ISIC Rev. 3.1 050, 0501, 0502, CPC 882)

With respect to Investment liberalisation â National treatment:

In FR: A French vessel flying the French flag may be issued a fishing authorisation or may be

allowed to fish on the basis of national quotas only when a real economic link on the territory

of France is established and the vessel is directed and controlled from a permanent establishment located on the territory

of France (ISIC Rev. 3.1 050, CPC 882).

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Measures:

FR: Code rural et de la pÃ©che maritime.

(Â©) Manufacturing - Publishing, printing and reproduction of recorded media (ISIC Rey. 3.1 221, 222, 323, 324, CPC 88442)

With respect to Investment liberalisation â National treatment and Cross-border services:

National treatment, Local presence:

In LV: Only legal persons incorporated in Latvia, and natural persons of Latvia have the right to found and publish mass media. Branches are not allowed (CPC 88442).

Measures:

LV: Law on the Press and Other Mass Media, s. 8.

With respect to Investment liberalisation â National treatment, Most-favoured nation treatment and Cross-border trade in services â Local presence, Most-favoured nation

treatment:

In DE: Each publicly distributed or printed newspaper, journal, or periodical must clearly indicate a "responsible editor" (the full name and address of a natural person). The responsible editor may be required to be a permanent resident of Germany, the Union or an EEA Member State. Exceptions may be allowed by the competent authority of the regional level of government (ISIC Rev. 3.1 22).

Measures:

DE: Regional level: Gesetz tiber die Presse Baden-Wiirttemberg (LPG BW);

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Bayerisches Pressegesetz (BayPrG);

Berliner Pressegesetz (BlnPrG);

Brandenburgisches Landespressegesetz (BbgPG);

Gesetz iiber die Presse Bremen (BrPrG);

Hamburgisches Pressegesetz;

Hessisches Pressegesetz (HPresseG);

Landespressegesetz fiir das Land Mecklenburg-Vorpommern (LPrG M-V); Niedersichsisches Pressegesetz (NPresseG);

Pressegesetz fiir das Land Nordrhein-Westfalen (Landespressegesetz NRW); Landesmediengesetz (LMG) Rheinland-Pfalz;

Saarlindisches Mediengesetz (SMG);

Sachsisches Gesetz iiber die Presse (SachsPresseG);

Pressegesetz fiir das Land Sachsen-Anhalt (Landespressegesetz);

Gesetz tiber die Presse Schleswig-Holstein (PressG SH);

Thiiringer Pressegesetz (TPG).

With respect to Investment liberalisationâ National Treatment, Most-favoured nation

treatment:

In IT: In so far as Chile allows Italian nationals and enterprises to conduct these activities, Italy will allow nationals and enterprises of Chile to conduct these activities under the same conditions. In so far as Chile allow Italian investors to own

more than 49 per cent of the capital and voting rights in a publishing company of Chile, then Italy will allow investors of Chile to own more than 49 per cent of the capital and voting rights in an Italian publishing company under the same conditions (ISIC Rev. 3.1 221, 222).

Measures:

IT: Law 416/1981, Article 1 (and subsequent amendments).

With respect to Investment liberalisation â Senior management and boards of directors:

In PL: Nationality is required for the editor-in-chief of newspapers and journals (ISIC Rev.

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3.1 221, 222).

Measures:

PL: Act of 26 January 1984 on Press law, Journal of Laws, No. 5, item 24, with subsequent

amendments.

With respect to Investment liberalisation â National treatment and Cross-border trade in

services âNational treatment, Local presence:

In SE: Natural persons who are owners of periodicals that are printed and published in Sweden must reside in Sweden or be nationals of a Member State of the EEA. Owners of such periodicals who are legal persons must be established in the EEA. Periodicals that are printed and published in Sweden and technical recordings must have a responsible editor, who must be domiciled in Sweden (ISIC Rev. 3.1 22, CPC 88442).

Measures: SE: Freedom of the press act (1949:105); Fundamental law on Freedom of Expression (1991:1469); and

Act on ordinances for the Freedom of the Press Act and the Fundamental law on Freedom of Expression (1991:1559).

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Chileâs offer Without Prejudice

Chileâs note: This initial offer text is without prejudice to Chileâs 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.

ANNEX I â CHILE â 1

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 adquisiciÃ©n, administracion y disposicidn de bienes del Estado, Titulo 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 âState landâ to Chilean natural or juridical persons, unless the applicable legal exceptions, such as in Decree Law 1939 (Decreto Ley 1.939), apply. âState landâ 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 âthe borderland zoneâ 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,

ANNEX I â CHILE â 2

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 aneighbouring 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.

ANNEX I â CHILE â 3

Sector:

Sub-Sector:

Obligations Concerned:

Level of Government:

Measures:

Description:

All

Performance Requirements (Investment)

Central

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. I del Ministerio del Trabajo y PrevisiÃ©n Social, Diario Oficial, enero 24, 1994, CÃ©digo del Trabajo, Titulo Preliminar, Libro I, Capttulo Ill)

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 trabajoâ). Expert technical personnel shall not be subject to this provision, as determined by the Directorate of Labour (DirecciÃ©n del Trabajo).

! For greater certainty, a contract of employment (contrato de trabajo) is not mandatory for the supply of cross-border

trade in services.

ANNEX I â CHILE â 4

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.

ANNEX I â CHILE â 5

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, Il and Il (Ley 18.838, Diario Oficial, septiembre 30, 1989, Consejo Nacional de TelevisiÃ©n, Titulos I, Il y WD

Law 18.168, Official Gazette, October 2, 1982, General Telecommunications Law, Titles I, Il and Il (Ley 18.168, Diario Oficial, octubre 2, 1982, Ley General de Telecomunicaciones, Titulos Lily)

Law 19.733, Official Gazette, June 4, 2001, Law on Liberties of Opinion and Information and the Exercise of Journalism, Titles I and Ill (Ley 19.733, Diario Oficial, junio 4, 2001, Ley sobre las Libertades de OpiniÃ©n e Informacion y Ejercicio del Periodismo,

Titulos I y IID)

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

ANNEX I â CHILE â 6

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 Television)

may establish, as a general requirement that, programs broadcasted

ANNEX I â CHILE â 7

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

ANNEX I â CHILE â 8

Sector:

Sub-Sector:

Obligations Concerned:

Level of Government:

Measures:

Description:

Energy

National Treatment (Investment)

Performance Requirements (Investment)

Central

Political Constitution of the Republic of Chile, Chapter IIT (ConstituciÃ©n Politica de la Reptblica de Chile, Capitulo Ill)

Law 18.097, Official Gazette, January 21, 1982, Constitutional Organic Law on Mining Concessions, Titles I, Il and Il (Ley 18.097, Diario Oficial, enero 21, 1982, Organica Constitucional sobre Concesiones Mineras, Titulos I, IT y Hl)

Law 18.248, Official Gazette, October 14, 1983, Mining Code, Titles Land Il (Ley 18.248, Diario Oficial, octubre 14, 1983, CÃ©digo de Mineria, Titulos I y I)

Law 16.319, Official Gazette, October 23, 1965, Creates the Chilean Nuclear Energy Commission, Titles I, I and Il (Ley 16.319, Diario Oficial, octubre 23, 1965, Crea la ComisiÃ©n Chilena de Energia Nuclear, Titulos I, IT y HN)

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,

ANNEX I â CHILE â 9

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 âtreatmentâ (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 (Comision Chilena de Energia Nuclear) or, with its authorisation, jointly with third persons. Should the Commission grant such an authorisation, it

may determine the terms and conditions thereof.

ANNEX I - CHILE â 10

Sector:

Sub-Sector:

Obligations Concerned:

Level of Government:

Measures:

Description:

Mining

National Treatment (Investment)

Performance Requirements (Investment)

Central

Political Constitution of the Republic of Chile, Chapter IIT (ConstituciÃ©n Politica de la Reptblica de Chile, Capitulo Ill)

Law 18.097, Official Gazette, January 21, 1982, Constitutional Organic Law on Mining Concessions, Titles I, Il and Il (Ley 18.097, Diario Oficial, enero 21, 1982, Organica Constitucional sobre Concesiones Mineras, Titulos I, IT y Hl)

Law 18.248, Official Gazette, October 14, 1983, Mining Code, Titles I and Ill (Ley 18.248, Diario Oficial, octubre 14, 1983, CÃ©digo de Mineria, Titulos I y IIT)

Law 16.319, Official Gazette, October 23, 1965, Creates the Chilean Nuclear Energy Commission, Titles I, I and Il (Ley 16.319, Diario Oficial, octubre 23, 1965, Crea la ComisiÃ©n Chilena de Energia Nuclear, Titulos I, IT y HN)

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

ANNEX I - CHILE - 11

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) âlithium;

(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, âeconomically and technically separatedâ 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

ANNEX I - CHILE â 12

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 (Comision Chilena de Energia 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.

ANNEX I - CHILE â 13

Sector:

Sub-Sector:

Obligations Concerned:

Level of Government:

Measures:

Description:

Fisheries

Aquaculture

National Treatment (Investment)

Central

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 NÂ° 18.892, de 1989 y sus modificaciones, Ley General de Pesca y Acuicultura Ley 18.892, Diario Oficial, enero 21, 1992, Titulos I y VD

Investment 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.

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Sector:

Sub-Sector:

Obligations Concerned:

Level of Government:

Measures:

Description:

Fisheries and Fishing Related Activities

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

Central

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, I, IV and Ix (Decreto 430 fija el texto refundido, coordinado y sistematizado de la ley NÂ° 18.892, de 1989 y sus modificaciones, Ley General de Pesca y Acuicultura, diario oficial, enero 21, 1992, Titulos I, HIT, IV y IX)

Decree Law 2.222, Official Gazette, May 31, 1978, Navigation Law,

Titles I and Il (Decreto Ley 2.222, Diario Oficial, mayo 31, 1978, Ley de Navegacion, Titulos I y I)

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.

ANNEX I - CHILE â 15

Only Chilean vessels are permitted to fish in internal waters, in the territorial sea and in the exclusive economic zone. âChilean vesselsâ are those defined in the Navigation Law (Ley de Navegacion). 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.

ANNEX I - CHILE â 16

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.

ANNEX I - CHILE â 17

Sector:

Sub-Sector:

Obligations Concerned:

Level of Government:

Measures:

Description:

Specialised Services

Customs agents (agentes de aduana) and brokers (despachadores de

aduana)

National Treatment (CBTS) Local Presence (CBTS)

Central

D.F.L. 30 of the Ministry of Finance, Official Gazette, April 13, 1983, Book IV (D.F.L. 30 del Ministerio de Hacienda, Diario Oficial, abril 13, 1983, Libro IV)

D.F.L. 2 of the Ministry of Finance, 1998 (D.F.L. 2 del Ministerio de

Hacienda, 1998)

Cross-Border Trade in Services Only Chilean natural persons with residency in Chile may act as

customs brokers (Despachadores de Aduana) or agents (Agentes de Aduana) in the territory of Chile.

ANNEX I - CHILE â 18

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 (Decreto 1.773 del Ministerio del Interior, Diario Oficial,

noviembre 14, 1994)

Description: Cross-Border Trade in Services

Only Chilean nationals and permanent residents may provide services

as private security guards.

ANNEX I - CHILE â 19

Sector:

Sub-Sector:

Obligations Concerned:

Level of Government:

Measures:

Description:

Business Services

Research services

National Treatment (CBTS)

Central

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)

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 Hidrogrdfico 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 Hidrografico de la Armada de Chile) and shall comply with the requirements established in the

corresponding regulation.

ANNEX I - CHILE â 20

Sector:

Sub-Sector:

Obligations Concerned:

Level of Government:

Measures:

Description:

Business Services

Research services

National Treatment (CBTS)

Central

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 Economta, Fomento y ReconstrucciÃ©n, 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)

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

ANNEX I - CHILE â 21

the natural person. The Chilean consul shall then send such application directly to the National Directorate of Borders and Frontiers of the State (DirecciÃ©n Nacional de Fronteras y Limites 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 Direccidn Nacional de Fronteras y Limites 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 (DirecciÃ©n Nacional de Fronteras y Limites 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.

ANNEX I - CHILE â 22

Sector:

Sub-Sector:

Obligations Concerned:

Level of Government:

Measures:

Description:

Business Services

Research in social sciences

National Treatment (CBTS)

Central

Law 17.288, Official Gazette, February 4, 1970, Title V (Ley 17.288, Diario Oficial, febrero 4, 1970, Titulo V)

Supreme Decree 484 of the Ministry of Education, Official Gazette, April 2, 1991 (Decreto Supremo 484 del Ministerio de Educacion, Diario Oficial, abril 2, 1991)

Cross-Border Trade in Services

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 (Consejo de Monumentos Nacionales). 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.

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

ANNEX I - CHILE â 23

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 Arqueologia) 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.

ANNEX I - CHILE â 24

Sector:

Sub-Sector:

Obligations Concerned:

Level of Government:

Measures:

Description:

Business Services

Printing, publishing and other related industries

National Treatment (Investment) Most-Favoured-Nation Treatment (Investment)

Senior Management and Boards of Directors (Investment)

Central

Law 19.733, Official Gazette, June 4, 2001, Law on Liberties of Opinion and Information and the Exercise of Journalism, Titles I and Ill (Ley 19.733, Diario Oficial, junio 4, 2001, Ley sobre las Libertades de OpiniÃ©n e Informacion y Ejercicio del Periodismo, Titulos I y IID)

Investment

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.

ANNEX I - CHILE â 25

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.

ANNEX I - CHILE â 26

Sector:

Sub-Sector:

Obligations Concerned:

Level of Government:

Measures:

Professional Services

Accounting, auditing, book-keeping and taxation services

National Treatment (CBTS) Local Presence (CBTS)

Central

Law 18.046, Official Gazette, October 22, 1981, Corporations Law, Title V (Ley 18.046, Diario Oficial, octubre 22, 1981, Ley de Sociedades AnÃ©nimas, Titulo V)

Supreme Decree 702 of the Ministry of Finance, Official Gazette, July 6, 2012, Corporations Act (Decreto Supremo 702 del Ministerio de Hacienda, Diario Oficial, julio 6, 2012, Reglamento de Sociedades AndÃ©nimas)

Decree Law 1.097, Official Gazette, July 25, 1975, Titles I, I, II and IV (Decreto Ley 1.097, Diario Oficial, julio 25, 1975, Titulos I, HT, IT yIV)

Decree Law 3.538, Official Gazette, December 23, 1980, Titles I, II, Ill and IV (Decreto Ley 3.538, Diario Oficial, diciembre 23, 1980, Titulos I, I, Hl y IV)

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 (Circular 2.714, octubre 6,1992; Circular 1, enero 17, 1989; Capitulo 19 de la RecopilaciÃ©n Actualizada de Normas de la Superintendencia de Bancos e Instituciones Financieras sobre Auditores Externos) Circular 327, June 29, 1983 and Circular 350, October 21, 1983,

Superintendence of Securities and Insurance (Circular 327, junio 29,

ANNEX I - CHILE â 27

Description:

1983 y Circular 350, octubre 21, 1983, de la Superintendencia de

Valores y Seguros)

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 (ComisiÃ©n 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.

ANNEX I - CHILE â 28

Sector:

Sub-Sector:

Obligations Concerned:

Level of Government:

Measures:

Description:

Professional Services

Legal services

National Treatment (CBTS) Local Presence (CBTS)

Central

Tribunals Organic Code, Title XV, Official Gazette, July 9, 1943 (CÃ©digo Orgdnico de Tribunales, Titulo 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)

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.

ANNEX I - CHILE â 29

None of these measures apply to foreign legal consultants who

practise or advise on international law or on the law of another Party.

ANNEX Iâ CHILE â 30

Sector:

Sub-Sector:

Obligations Concerned:

Level of Government:

Measures:

Description:

Professional, Technical and Specialised Services

Auxiliary services in the administration of justice

National Treatment (CBTS) Local Presence (CBTS)

Central

Tribunals Organic Code, Titles XI and XII, Official Gazette, July 9, 1943, (CÃ©digo Orgdnico de Tribunales, Titulos XI y XI, Diario Oficial, julio 9, 1943)

Real State Custodian Registry Act, Titles I, II and III, Official Gazette, June 24, 1857 (Reglamento del Registro Conservador de Bienes Raices, Titulos I, I y Ill, Diario Oficial, junio 24, 1857) Law 18.118, Official Gazette, May 22, 1982, Title I (Ley 18.118, Diario Oficial, mayo 22, 1982, Titulo I

Decree 197 of the Ministry of Economic Affairs, Development and Reconstruction, Official Gazette, August 8, 1985 (Decreto 197 del Ministerio de Economta, Fomento y ReconstrucciÃ©n, Diario Oficial, agosto 8, 1985)

Law 18.175, Official Gazette, October 28, 1982, Title II (Ley 18.175, Diario Oficial, octubre 28, 1982, Titulo IN)

Cross-Border Trade in Services Justice ancillaries (auxiliares de la administracion de justicia) must

have their residence in the same city or place where the court house

for which they render services is domiciled.

ANNEX I - CHILE â 31

Public defenders (defensores piblicos), public notaries (notarios publicos), and custodians (conservadores) shall be Chilean natural

persons and fulfil the same requirements needed to become a judge.

Archivists (archiveros), public defenders (defensores publicos) and arbitrators at law (drbitros 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 Partyâs 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 nitimero).

Only Chilean natural persons, foreign natural persons with permanent residence in Chile or Chilean juridical persons may be auctioneers

(martilleros piblicos).

Receivers in bankruptcy (sindicos 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.

ANNEX I - CHILE â 32

Sector:

Sub-Sector:

Obligations Concerned:

Level of Government:

Measures:

Description:

Transportation

Water transport services and shipping

Most-Favoured-Nation Treatment (Investment and CBTS)

Central

Decree Law 3.059, Official Gazette, December 22, 1979, Merchant Fleet Promotion Law, Titles I and Il (Decreto Ley 3.059, Diario Oficial, 22 de diciembre de 1979, Ley de Fomento a la Marina Mercante, Titulos I y IN)

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, Titulos I y II)

Code of Commerce, Book III, Titles I, TV and V (CÃ©digo de Comercio, Libro Hl, Titulos I, IV y V)

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.

ANNEX I-â CHILE â 33

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.

ANNEX I - CHILE â 34

Sector:

Sub-Sector:

Obligations Concerned:

Level of Government:

Measures:

Description:

Transportation

Water transport services and shipping

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

Central

Decree Law 2.222, Official Gazette, May 31, 1978, Navigation Law, Titles I, II, I, IV and V (Decreto Ley 2.222, Diario Oficial, mayo 31, 1978, Ley de Navegacion, Titulos I, I, Il, IV y V)

Code of Commerce, Book III, Titles I, TV and V (CÃ©digo de Comercio, Libro Hl, Titulos I, IV y V)

Investment and Cross-Border Trade in Services

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.

ANNEX Iâ CHILE â 35

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.

âSpecial vesselsâ 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.

ANNEX Iâ CHILE â 36

Sector:

Sub-Sector:

Obligations Concerned:

Level of Government:

Measures:

Description:

Transportation

Water transport services and shipping

National Treatment (CBTS) Most-Favoured-Nation Treatment (CBTS) Local Presence (CBTS)

Central

Decree Law 2.222, Official Gazette, May 31, 1978, Navigation Law, Titles I, I, M1, IV and V (Decreto Ley 2.222, Diario Oficial, 31 mayo de 1978, Ley de Navegacion, Titulos I, I, Hl, IV y V)

Supreme Decree 153, Official Gazette, March 11, 1966, Approves the Sea People, Fluvial and Lacustrine Personnel Registration General Act (Decreto Supremo 153, Diario Oficial, 11 marzo de 1966, Aprueba el Reglamento General de Matricula del Personal de Gente de Mar, Fluvial y Lacustre)

Code of Commerce, Book III, Titles I, TV and V (CÃ©digo de Comercio, Libro Hl, Titulos I, IV y V)

Cross-Border Trade in Services

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

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Officersâ Registry (Registro de oficiales). Crewmembers of a Chilean vessel must be Chilean, have the permit granted by the Maritime Authority (Autoridad Maritima) and be registered in the respective Registry. Professional titles and licences granted by a foreign country may be considered valid for the discharge of officersâ duties on Chilean vessels pursuant to a substantiated resolution (resoluciÃ©n

fundada) issued by the Director of the Maritime Authority.

Ship captains (patrÃ©n 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 (mecdnicos- 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 (patrdn de nave), officers and crew must be Chilean nationals. Nevertheless, if indispensable, the General Directorate for the Maritime Territory and Merchant Fleet (DirecciÃ©n General del Territorio Maritimo y de Marina Mercante), on the basis of a substantiated resolution (resoluciÃ©n 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.

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ANNEX Iâ CHILE â 39

Sector:

Sub-Sector:

Obligations Concerned:

Level of Government:

Measures:

Description:

Transportation

Water transport services and shipping

National Treatment (Investment and CBTS) Senior Management and Boards of Directors (Investment) Local Presence (CBTS)

Central

Code of Commerce, Book III, Titles I, TV and V (CÃ©digo de Comercio, Libro Hl, Titulos I, IV y V)

Decree Law 2.222, Official Gazette, May 31, 1978, Navigation Law, Titles I, I and IV (Decreto Ley 2.222, Diario Oficial, mayo 31, 1978, Ley de Navegacion, Titulos I, IT y IV)

Decree 90 of the Ministry of Labour and Social Welfare, Official Gazette, January 21, 2000 (Decreto 90 del Ministerio de Trabajo y PrevisiÃ©n Social, Diario Oficial, enero 21, 2000)

Decree 49 of the Ministry of Labour and Social Welfare, July 16, 1999 (Decreto 49 del Ministerio de Trabajo y Prevision Social, Diario Oficial, julio 16, 1999)

Labour Code, Book I, Title I, Chapter III, paragraph 2 (CÃ©digo del Trabajo, Libro I, Titulo lf, Capitulo IT, pdÃ©rrafo 2)

Investment and Cross-Border Trade in Services

Shipping agents or representatives of ship operators, owners or captains, whether they are natural or juridical persons, shall be required to be Chilean.

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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.

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Sector:

Sub-Sector:

Obligations Concerned:

Level of Government:

Measures:

Description:

Transportation

Land transportation

National Treatment (CBTS) Most-Favoured-Nation Treatment (CBTS) Local Presence (CBTS)

Central

Supreme Decree 212 of the Ministry of Transport and Telecommunications, Official Gazette, November 21, 1992 (Decreto Supremo 212 del Ministerio de Transportes y Telecomunicaciones, Diario Oficial, noviembre 21, 1992)

Decree 163 of the Ministry of Transport and Telecommunications, Official Gazette, January 4, 1985 (Decreto 163 del Ministerio de Transportes y Telecomunicaciones, Diario Oficial, enero 4, 1985) Supreme Decree 257 of the Ministry of Foreign Affairs, Official Gazette, October 17, 1991 (Decreto Supremo 257 del Ministerio de Relaciones Exteriores, Diario Oficial, octubre 17, 1991)

Cross-Border Trade in Services

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.

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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.

ANNEX I - CHILE â 43

Sector:

Sub-Sector:

Obligations Concerned:

Level of Government:

Measures:

Description:

Transportation

Land transportation

Most-Favoured-Nation Treatment (CBTS)

Central

Law 18.290, Official Gazette, February 7, 1984, Title IV (Ley 18.290, Diario Oficial, febrero 7, 1984, Titulo IV)

Supreme Decree 485 of the Ministry of Foreign Affairs, Official Gazette, September 7, 1960, Geneva Convention (Decreto

Supremo 485 del Ministerio de Relaciones Exteriores, Diario

Oficial, septiembre 7, 1960, Convencion de Ginebra)

Cross-Border Trade in Services

Motor vehicles bearing foreign licence plates that enter Chile on a temporary basis, pursuant to provisions set forth in the 1949 Geneva Convention on Road Traffic, shall circulate freely throughout the national territory for the period established therein, provided that they comply with the requirements established by Chilean law.

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 driverâs

licence shall present, upon request by the authorities, the documents

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

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ANNEX HI â

FUTURE MEASURES

Headnotes 1. The Schedules of Chile and the Union set out, under Article 2.7 [Non-conforming measures INV] or Article 3.5

[Non-conforming measures CBTS], the reservations taken by that Party with respect to existing or more restrictive or new measures that do not conform with obligations imposed by:

(a) Article 3.X [Local presence];

(b) Article 2.3[National treatment INV] or 3.3 [National Treatment CBTS];

(c) Article 2.4 [Most- favoured- nation- treatment INV] or 3.4 [Most- favoured- nation- treatment [CBTS] ;

(d) Article 2.5 [Senior management and boards of directors]; or

(e) Article 2.6 [Performance requirements].

2. The reservations of a Party are without prejudice to the rights and obligations of the Parties under GATS. [To be moved later to a horizontal chapter]

3. Each reservation sets out the following elements:

(a) "sector" refers to the general sector in which the reservation is taken;

(b) "sub-sector" refers to the specific sector in which the reservation is taken;

(c) âindustry classification" refers, where applicable, to the activity covered by the

(d)

(e)

(f)

reservation according to the CPC, ISIC rev 3.1, or as expressly otherwise described in a

Party's reservation;

"type of reservation" specifies the obligation referred to in paragraph 1 for which a

teservation is taken;

"description" sets out the scope of the sector, sub-sector or activities covered by the

reservation; and

"existing measuresâ identifies, for transparency purposes, existing measures that apply

to the sector, sub-sector or activities covered by the reservation.

4. In the interpretation of a reservation, all elements of the reservation shall be considered. The

"description" element shall prevail over all other elements.

5. For the purposes of the Schedules of Chile and the European Union:

(a)

(b)

"ISIC Rev. 3.1" means the International Standard Industrial Classification of All Economic Activities as set out in Statistical Office of the United Nations, Statistical Papers, Series M, No.4, ISIC Rev. 3.1, 2002;

"CPC" means the Provisional Central Product Classification (Statistical Papers, Series M No. 77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York,1991).

6. For the purposes of the Schedules of Chile and the Union, a reservation for a requirement to

have a local presence in the territory of the Union or Chile is taken against Article 3.x [Local presence CBTS] and not against Article [National treatment CBTS] or Article 2.3 [National treatment INV]or, in Annex III, against Article [Market access CBTS] .

7. Ateservation taken at the level of the Union applies to a measure of the Union, to a measure

of a Member State at the central level or to a measure of a government within a Member State,

unless the reservation excludes a Member State. A reservation taken by a Member State applies to a

measure of a government at the central, regional or local level within that Member State. For the

purposes of the reservations of Belgium, the central level of government covers the federal government and the governments of the regions and the communities as each of them holds equipollent legislative powers. For the purposes of the reservations of the Union and its Member States, a regional level of government in Finland means the Aland Islands. A reservation taken at

the level of Chile applies to a measure of the central government or a local government.

8. The list of reservations below does not include measures relating to qualification requirements and procedures, technical standards and licensing requirements and procedures where they do not constitute a limitation within the meaning of Article2.3 [National treatment INV], 3.3 [National Treatment CBTS], 3.X [Local presence]. These measures may include, in particular, the need to obtain a licence, to satisfy universal service obligations, to have recognised qualifications in regulated sectors, to pass specific examinations, including language examinations, to fulfil a membership requirement of a particular profession, such as membership in a professional organisation, to have a local agent for service, or to maintain a local address, or any other non- discriminatory requirements that certain activities may not be carried out in protected zones or

areas. While not listed, such measures continue to apply.

9. For greater certainty, for the Union, the obligation to grant national treatment does not entail the requirement to extend to natural or legal persons of Chile]the treatment granted in a Member State, pursuant to the Treaty on the Functioning of the European Union, or any measure adopted

pursuant to that Treaty, including their implementation in the Member States, to: (a) natural persons or residents of another Member State; or

(b) legal persons constituted or organised under the law of another Member State or of the Union and having their registered office, central administration or principal place of

business in the Union.

10. Treatment granted to legal persons established by investors of a Party in accordance with the law of the other Party (including, in the case of the Union, the law of a Member State) and having their registered office, central administration or principal place of business within that other Party, is without prejudice to any condition or obligation, consistent with Chapter II [Investment liberalisation] of Title [Investment liberalisation and trade in services], which may have been

imposed on such legal person when it was established in that other Party, and which shall continue

to apply.

11. The Schedules apply only to the territories of Chile and the Union in accordance with [Institutional â Geographical application] and are only relevant in the context of trade relations between the Union and its Member States with Chile. They do not affect the rights and obligations of the Member States under Union law. [Redundant if similar language is included for the whole

agreement in the general provisions].

12. The following abbreviations are used in the list of reservations below:

EU European Union, including all its Member States AT Austria

BE Belgium

BG Bulgaria

CY Cyprus

CZ Czech Republic

DE Germany

DK Denmark

EE Estonia

EL Greece ES Spain FI Finland FR France

HR Croatia

HU Hungary IE Ireland IT Italy

LT Lithuania LU Luxembourg

LV Latvia

MT Malta

NL The Netherlands PL Poland

PT Portugal

RO SE SI

SK

Romania Sweden Slovenia

Slovak Republic

Schedule of the

Reservation No. Reservation No. Reservation No. Reservation No. Reservation No. Reservation No. Reservation No. Reservation No.

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Reservation No.

Union

. 1 - All sectors

. 2 - Professional services â other than health related services . 3 - Professional services â health related and retail of pharmaceuticals . 4 - Business Services - Research and development services . 5 - Business Services - Real estate services

. 6 - Business services - Rental or leasing services

. 7 - Business Services - Collection agency services and Credit reporting services . 8 - Business Services - Placement services

. 9 - Business Services - Security and investigation services 10 - Business Services - Other business services

11 - Telecommunication

12 - Construction

13 - Distribution services

14 - Education services

15 - Environmental services

16 - Health services and social services

17 - Tourism and travel related services

18 - Recreational, cultural and sporting services

19 - Transport services and auxiliary transport services

20 - Agriculture, fishing and water

21 - Energy related activities

22 - Other services not included elsewhere

Reservation No. 1 - All sectors

Sector: All sectors

Type of reservation: National treatment Most-favoured-nation treatment Senior management and board of directors Performance requirements

Local presence

Chapter Chapter/Section: Investment Liberalisation and Cross-border Trade In Services Description: the EU Reserves the Right to Adopt or Maintain Any Measure with Respect to the Following:

(a) Establishment

With respect to Investment liberalisation â National treatment; Cross-border trade in services â

National treatment:

In FI: Restrictions on the right for natural persons, who do not enjoy regional citizenship in Aland, and for legal persons, to acquire and hold real property on the Aland Islands without obtaining permission from the competent authorities of the Aland Islands. Restrictions on the right of establishment and right to carry out economic activities by natural persons, who do not enjoy regional citizenship in Aland, or by any enterprise, without obtaining permission from the competent authorities of the Aland Islands.

Existing measures:

FI: Ahvenanmaan maanhankintalaki (Act on land acquisition in Aland) (3/1975), s. 2; and Ahvenanmaan itsehallintolaki (Act on the Autonomy of Aland) (1144/1991), s. 11.

With respect to Investment liberalisationâ National treatment, Performance requirements, Senior

management and boards of directors:

In FR: Pursuant to articles L151-1 and 153-1 sec of the financial and monetary code, foreign investments in France in sectors listed in article R.151-3 of the financial and monetary code are

subject to prior approval from the Minister for the Economy. Existing measures: FR: As set out in the description element as indicated above.

With respect to Investment liberalisation â National treatment, Senior management and boards of

directors:

In FR: Limiting foreign participation in newly privatised companies to a variable amount, determined by the government of France on a case by case basis, of the equity offered to the public. For establishing in certain commercial, industrial or artisanal activities, a specific authorisation is

needed if the managing director is not a holder of a permanent residence permit. With respect to Investment liberalisationâ National treatment:

In BG: Certain economic activities related to the exploitation or use of State or public property are

subject to concessions granted under the provisions of the Concessions Act.

In commercial corporations in which the State or a municipality holds a share in the capital exceeding 50 per cent, any transactions for disposition of fixed assets of the corporation, to conclude any contracts for acquisition of participating interest, lease, joint activity, credit, securing of receivables, as well as incurring any obligations arising under bills of exchange, are subject to

authorisation or permission by the Public Enterprises and Control Agency or other state or regional

bodies, whichever is the competent authority. This reservation does not apply to mining and quarrying, which are subject to a separate reservation in the Schedule of the Union in Annex 19 to this Agreement.

In IT: The Government may exercise certain special powers in enterprises operating in the areas of defence and national security, and in certain activities of strategic importance in the areas of energy, transport and communications. This applies to all juridical persons carrying out activities considered of strategic importance in the areas of defence and national security, not only to

privatised companies.

If there is a threat of serious injury to the essential interests of defence and national security, the

Government has following special powers to:

(i) to impose specific conditions in the purchase of shares;

(ii) to veto the adoption of resolutions relating to special operations such as transfers,

mergers, splitting up and changes of activity; or

Gii) to reject the acquisition of shares, where the buyer seeks to hold a level of participation in the capital that is likely to prejudice the interests of defence and national security.

Any resolution, act or transaction (such as transfers, mergers, splitting up, change of activity or termination) relating to strategic assets in the areas of energy, transport and communications shall be notified by the concerned company to the Prime Minister's office. In particular, acquisitions by any natural or juridical person outside the European Union that give this person control over the

company shall be notified. The Prime Minister may exercise the following special powers: (i) to veto any resolution, act and transaction that constitutes an exceptional threat of serious injury to the public interest in the security and operation of networks and

supplies;

Gi) to impose specific conditions in order to guarantee the public interest; or

iii) to reject an acquisition in exceptional cases of risk to the essential interests of the State.

The criteria on which to evaluate the real or exceptional threat and conditions and procedures for

the exercise of the special powers are laid down in the law.

Existing measures:

IT: Law 56/2012 on special powers in companies operating in the field of defence and national security, energy, transport and communications; and

Decree of the Prime Minister DPCM 253 of 30.11.2012 defining the activities of strategic

importance in the field of defence and national security.

With respect to Investment liberalisation âNational treatment, Most-favoured nation treatment,

Performance requirements, Senior management and boards of directors:

In LT: Enterprises, sectors, zones, assets and facilities of strategic importance to national security. Existing measures:

LT: Law on the Protection of Objects of Importance to Ensuring National Security of the Republic of Lithuania of 10 October 2002 No. [IX-1132 (as last amended on 17 September 2020, No XII-

3284).

With respect to Investment liberalisation â National treatment and Senior management and boards

of directors:

In SE: Discriminatory requirements for founders, senior management and boards of directors when

new forms of legal association are incorporated into Swedish law.

(b) Acquisition of real estate

With respect to Investment liberalisation â National treatment, Senior management and boards of

directors:

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In HU: The acquisition of state-owned properties.

With respect to Investment liberalisation â National treatment:

In HU: The acquisition of arable land by foreign legal persons and non-resident natural persons.

Existing measures:

HU: Act CXXII of 2013 on the circulation of agricultural and forestry land (Chapter I (Paragraph 6-36) and Chapter IV (Paragraph 38-59)); and

Act CCXII of 2013 on the transitional measures and certain provisions related to Act CXXII of 2013 on the circulation of agricultural and forestry land (Chapter IV (Paragraph 8-20)).

In LV: The acquisition of rural land by nationals of Chile or of a third country.

Existing measures:

LV: Law on land privatisation in rural areas, ss. 28, 29, 30.

In SK: Foreign companies or natural persons may not acquire agricultural and forest land outside the borders of the built-up area of a municipality and some other land (e.g. natural resources, lakes,

rivers, public roads etc.).

Existing measures:

SK: Act No 44/1988 on protection and exploitation of natural resources;

Act No 229/1991 on regulation of the ownership of land and other agricultural property; Act No 460/1992 Constitution of the Slovak Republic;

Act No 180/1995 on some measures for land ownership arrangements;

Act No 202/1995 on Foreign Exchange;

Act No 503/2003 on restitution of ownership to land;

Act No 326/2005 on Forests; and

Act No 140/2014 on the acquisition of ownership of agricultural land.

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With respect to Investment liberalisation â National treatment and Cross-border trade in services â

Local presence:

In BG: Foreign natural and legal persons cannot acquire land. Legal persons of Bulgaria with foreign participation cannot acquire agricultural land. Foreign legal persons and foreign natural persons with permanent residence abroad can acquire buildings and real estate property rights (right to use, right to build, right to raise a superstructure and servitudes). Foreign natural persons with permanent residence abroad, foreign legal persons in which foreign participation ensures a majority in adopting decisions or blocks the adoption of decisions, can acquire real estate property rights in specific geographic regions designated by the Council of Ministers subject to permission.

BG: Constitution of the Republic of Bulgaria, article 22; Law on Ownership and Use of Agricultural Land, article 3; and Law on

Forests, article 10.

In EE: Foreign natural or legal persons that are not from the EEA or from members of the Organisation for Economic Co-operation and Development can acquire an immovable asset which contains agricultural and/or forest land only with the authorisation of the county governor and of the municipal council, and must prove as prescribed by law that the immovable asset will, according to

its intended purpose, be used efficiently, sustainably and purposefully.

Existing measures:

EE: Kinnisasja omandamise kitsendamise seadus (Restrictions on Acquisition of Immovables Act) Chapters 2 and 3.

With respect to Investment liberalisation â National treatment and Cross-border trade in services -

National treatment:

In LT: Any measure which is consistent with the commitments taken by the European Union and which are applicable in Lithuania in GATS with respect to land acquisition. The land plot acquisition procedure, terms and conditions, as well as restrictions shall be established by the Constitutional Law, the Law on Land and the Law on the Acquisition of Agricultural Land.

However, local governments (municipalities) and other national entities of Members of the

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Organisation for Economic Co-operation and Development and North Atlantic Treaty Organization conducting economic activities in Lithuania, which are specified by the constitutional law in compliance with the criteria of European Union and other integration which Lithuania has embarked on, are permitted to acquire into their ownership non-agricultural land plots required for

the construction and operation of buildings and facilities necessary for their direct activities.

Existing measures:

LT: Constitution of the Republic of Lithuania;

The Constitutional Law of the Republic of Lithuania on the Implementation of Paragraph 3 of Article 47 of the Constitution of the Republic of Lithuania of 20 June 1996 No. I-1392, new redaction 20 March 2003 No IX-1381, last amendment 12 January 2018 No XIII-981;

Law on land 26 April 1994 No I-446, new redaction 27 January 2004 No. IX-1983, last amendment 26 June 2020 No XIH-3165;

Law on acquisition of agricultural land of 28 January 2003 No IX-1314, new redaction from 1 January 2018 No XII-801, last amendment 14 May 2020 No XIH-2935.

Forest Law of 22 November 1994 No I-671, new redaction 10 April 2001 No IX-240, last amendment 25 June 2020 No XIH-3115.

(c) Recognition

With respect to Investment liberalisation âNational treatment and Cross-border trade in services â

National treatment:

In EU: The Union directives on mutual recognition of diplomas and other professional qualification only apply to the citizens of the Union. The right to practise a regulated professional service in one Member State does not grant the right to practise in another Member State.

(d) Most-favoured-nation treatment

With respect to Investment liberalisation â Most-favoured-nation treatment and Cross-border trade

in services â Most-favoured-nation treatment:

The EU: According differential treatment to a third country pursuant to any international investment

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treaties or other trade agreement in force or signed prior to the date of entry into force of this

Agreement.

The EU: According differential treatment to a third country pursuant to any existing or future bilateral or multilateral agreement which:

Gi) creates an internal market in services and investment;

Gi) grants the right of establishment; or

(iii) requires the approximation of legislation in one or more economic sectors.

An internal market in services and investment means an area without internal frontiers in which the

free movement of services, capital and persons is ensured.

The right of establishment means an obligation to abolish in substance all barriers to establishment among the parties to the bilateral or multilateral agreement by the entry into force of that agreement. The right of establishment shall include the right of nationals of the parties to the bilateral or multilateral agreement to set up and operate enterprises under the same conditions provided for

nationals under the law of the Party where such establishment takes place. The approximation of legislation means: @) __ the alignment of the legislation of one or more of the parties to the bilateral or multilateral agreement with the legislation of the other Party or parties to that

agreement; or

Gi) the incorporation of common legislation into the law of the parties to the bilateral or

multilateral agreement. Such alignment or incorporation shall take place, and shall be deemed to have taken place, only at

such time that it has been enacted in the law of the Party or parties to the bilateral or multilateral

agreement.

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Existing measures:

EU: Agreement on the European Economic Area; Stabilisation Agreements; EU-Swiss Confederation bilateral agreements; and

Deep and Comprehensive Free Trade Agreements.

The EU: According differential treatment relating to the right of establishment to nationals or enterprises through existing or future bilateral agreements between the following Member States: BE, DE, DK, EL, ES, FR, IE, IT, LU, NL, PT and any of the following countries or principalities: Andorra, Monaco, San Marino and the Vatican City State.

In DK, FI, SE: Measures taken by Denmark, Sweden and Finland aimed at promoting Nordic

cooperation, such as:

@) _ financial support to research and development (R&D) projects (the Nordic Industrial Fund);

Gi) funding of feasibility studies for international projects (the Nordic Fund for Project Exports); and

Gii) financial assistance to companies utilizing environmental technology (the Nordic Environment Finance Corporation). The purpose of the Nordic Environment Finance Corporation (NEFCO) is to promote investments of Nordic environmental interest, with

a focus on Eastern Europe.

This reservation is without prejudice to the exclusion of procurement by a Party or subsidies in Article 123(6) and (7) of this Agreement.

In PL: Preferential conditions for establishment or the cross-border supply of services, which may include the elimination or amendment of certain restrictions embodied in the list of reservations

applicable in Poland, may be extended through commerce and navigation treaties.

In PT: Waiving nationality requirements for the exercise of certain activities and professions by

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natural persons supplying services for countries in which Portuguese is the official language (Angola, Brazil, Cape Verde, Guinea-Bissau, Equatorial Guinea, Mozambique, SAo TomÃ© &

Principe, and East Timor).

(e) Arms, munition and war material

With respect to Investment liberalisationâ National treatment, Most-favoured nation treatment, Senior management and boards of directors, Performance requirements and Cross-border trade in services â National treatment, Most-favoured-nation treatment, Local presence:

In EU: Production or distribution of, or trade in, arms, munitions and war material. War material is

limited to any product which is solely intended and made for military use in connection with the

conduct of war or defence activities.

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Reservation No. 2 - Professional services - other than health related services

Sector: Professional services - legal services: services of notaries and by bailiffs; accounting and bookkeeping services; auditing services, taxation advisory services; architecture and urban planning services,

engineering services, and integrated engineering services

Industry classification: Part of CPC 861, part of 87902, 862, 863, 8671, 8672, 8673, 8674, part of 879 Type of reservation: National treatment

Most-favoured-nation treatment

Senior management and board of directors

Chapter Chapter: Investment Liberalisation and Cross-border Trade In Services Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

(a) Legal services

With respect to Investment liberalisation â National treatment, Senior management and boards of

directors and Cross-border trade in services â National treatment:

The EU, with the exception of SE: The supply of legal advisory and legal authorisation, documentation, and certification services provided by legal professionals entrusted with public functions, such as notaries, "huissiers de justice" or other "officiers publics et ministÃ©riels", and with respect to services provided by bailiffs who are appointed by an official act of government (part of CPC 861, part of 87902).

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With respect to Investment liberalisation â Most-favoured-nation treatment and Cross-border trade

in services â Most-favoured-nation treatment:

In BG: Full national treatment on the establishment and operation of companies, as well as on the supply of services, may be extended only to companies established in, and citizens of, the countries

with whom preferential arrangements have been or will be concluded (part of CPC 861).

In LT: Attorneys from foreign countries can participate as advocates in court only in accordance with international agreements (part of CPC 861), including specific provisions regarding legal

representation before courts.

(b) Auditing services (CPC â 86211, 86212 other than accounting and bookkeeping services)

With respect to Cross-border trade in services - National treatment:

In BG: An independent financial audit shall be implemented by registered auditors who are members of the Institute of the Certified Public Accountants. Subject to reciprocity, the Institute of the Certified Public Accountants shall register an audit entity of Chile or of a third country upon the latter furnishing proof that:

(i) _ three-fourths of the members of the management bodies and the registered auditors carrying out audit on behalf of the entity meet requirements equivalent to those for

Bulgarian auditors and have passed successfully the examinations for it;

Gi) the audit entity carries out independent financial audit in accordance with the

requirements for independence and objectivity; and

Gii) the audit entity publishes on its website an annual transparency report or performs other

equivalent requirements for disclosure in case it audits public-interest entities.

Existing Measures:

BG: Independent Financial Audit Act. 18

With respect to Investment liberalisation â National treatment, Senior management and boards of

directors:

In CZ: Only a legal person in which at least 60 per cent of capital interests or voting rights are reserved to nationals of the Czech Republic or of the Member States of the European Union is authorised to carry out audits in the Czech Republic.

Existing Measures:

CZ: Law of 14 April 2009 no. 93/2009 Coll., on Auditors, as amended.

(c) Architecture and urban planning services (CPC 8674)

With respect to Cross-border trade in services â , National treatment:

In HR: The cross-border supply of urban planning.

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Reservation No. 3 - Professional services â health related and retail of pharmaceuticals

Sector: Health related professional services and retail sales of pharmaceutical,

medical and orthopaedic goods, other services provided by pharmacists

Industry classification: CPC 63211, 85201, 9312, 9319, 93121

Type of reservation:

National treatment

Senior management and board of directors

Performance requirements

Local presence

Chapter Chapter: Investment Liberalisation and Cross-border Trade In Services Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

(a) Medical and dental services; services provided by midwives, nurses, physiotherapists, psychologists and paramedical personnel (CPC 63211, 85201, 9312, 9319, CPC 932)

With respect to Investment liberalisation âNational treatment, Senior management and boards of

directors and Cross-border trade in services â National treatment:

In FI: The supply of all health-related professional services, whether publicly or privately funded, including medical and dental services, services provided by midwives, physiotherapists and paramedical personnel and services provided by psychologists, excluding services provided by nurses (CPC 9312, 93191).

Existing measures:

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FI: Laki yksityisesta terveydenhuollosta (Act on Private Health Care) (152/1990).

In BG: The supply of all health-related professional services, whether publicly or privately funded, including medical and dental services, services provided by nurses, midwives, physiotherapists and

paramedical personnel and services provided by psychologists (CPC 9312, part of 9319).

Existing Measures:

BG: Law for Medical Establishment, Professional Organisation of Medical Nurses, Midwives and Associated Medical Specialists Guild Act.

With respect to Investment liberalisation â National treatment and Cross-border trade in services â

National treatment:

In CZ, MT: The supply of all health-related professional services, whether publicly or privately funded, including the services provided by professionals such as medical doctors, dentists, midwives, nurses, physiotherapists, paramedics, psychologists, as well as other related services (CPC 9312, part of 9319).

Existing Measures:

CZ: Act No 296/2008 Coll., on Safeguarding the Quality and Safety of Human Tissues and

Cells Intended for Use in Man ("Act on Human Tissues and Cells");

Act No 378/2007 Coll., on Pharmaceuticals and on Amendments to Some Related Acts (Act on Pharmaceuticals);

Act No. 268/2014 Coll. on medical devices and amending Act No 634/2004 Coll. on administrative fees, as subsequently amended;

Act No. 285/2002 Coll., on the Donating, Taking and Transplanting of Tissues and Organs and on Amendment to Certain Acts (Transplantation Act).

Act No. 372/2011 Coll., on health services and on conditions of their provision

Act No. 373/2011 Coll. on specific health services).

With respect to Cross-border trade in services â National treatment, Local presence:

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The EU, with the exception of NL and SE: The supply of all health-related professional services, whether publicly or privately funded, including the services provided by professionals such as medical doctors, dentists, midwives, nurses, physiotherapists, paramedics, and psychologists, requires residency. These services may only be provided by natural persons physically present in the territory of the European Union (CPC 9312, part of 93191).

In BE: The cross-border supply whether publicly or privately funded of all health-related professional services, including medical, dental and midwives services and services provided by nurses, physiotherapists, psychologists and paramedical personnel. (part of CPC 85201, 9312, part

of 93191).

With respect to Cross-border trade in services â National treatment, Most-favoured nation

treatment:

In PT: Concerning the professions of physiotherapists, paramedical personnel and podiatrists,

foreign professionals may be allowed to practice based on reciprocity.

(b) Veterinary services (CPC 932)

With respect to Investment liberalisation â National treatment and Cross-border trade in services â

National treatment, Local presence:

In BG: A veterinary medical establishment may be established by a natural or a legal person. The practice of veterinary medicine is only allowed for nationals of the EEA and for permanent residents (physical presence is required for permanent residents).

With respect to Cross-border trade in services â National treatment:

In BE, LV: Cross-border supply of veterinary services.

(c) Retail sales of pharmaceutical, medical and orthopaedic goods, other services provided 22

by pharmacists (CPC 63211) With respect to Cross-border trade in services â Local presence: The EU, with the exception of BE, BG, EE, ES, IE and IT: Mail order is only possible from Member States of the EEA, thus establishment in any of those countries is required for the retail of pharmaceuticals and specific medical goods to the general public in the Union.

In CZ: Retail sales are only possible from Member States.

In BE: The retail sales of pharmaceuticals and specific medical goods are only possible from a pharmacy established in Belgium.

In BG, EE, ES, IT and LT: Cross-border retail sales of pharmaceuticals.

In IE and LT: Cross-border retail of pharmaceuticals requiring a prescription.

In PL: Intermediaries in the trade of medicinal products must be registered and have a place of

residence or registered office in the territory of the Republic of Poland.

With respect to Investment liberalisation â National treatment, Senior management and boards of

directors, Performance requirements and Cross-border trade in services â National treatment:

In FI: Retail sales of pharmaceutical products and of medical and orthopaedic goods.

With respect to Investment liberalisation â National treatment, Senior management and boards of

directors and Cross-border trade in services â National treatment:

In SE: Retail sales of pharmaceutical goods and the supply of pharmaceutical goods to the general public.

Existing measures:

AT: Arzneimittel gesetz (Medication Act), BGB1. Nr. 185/1983 as amended, Â§Â§ 57, 59, 59a; and

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Medizinproduktegesetz (Medical Products Law), BGB1. Nr. 657/1996 as amended, Â§ 99.

BE: ArrÃ©tÃ© royal du 21 janvier 2009 portant instructions pour les pharmaciens; and ArrÃ©tÃ© royal du

10 novembre 1967 relatif l'exercice des professions des soins de santÃ©.

CZ: Act No. 378/2007 Coll., on Pharmaceuticals, as amended; and Act No. 372/2011 Coll., on

Health services, as amended.

FI: Laakelaki (Medicine Act) (395/1987).

PL: Pharmaceutical Law, art. 73a (Journal of Laws of 2020, item 944, 1493), SE: Law on trade with pharmaceuticals (2009:336);

Regulation on trade with pharmaceuticals (2009:659); and

The Swedish Medical Products Agency has adopted further regulations, the details can be found at (LVFS 2009:9).

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Reservation No. 4 - Business Services - Research and development services

Sector: Research and development services

Industry classification: CPC 851, 852, 853

Type of reservation:

National treatment

Chapter Chapter: Cross-border Trade In Services Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

In RO: Cross-border supply of research and development services.

Existing measures:

RO: Governmental Ordinance no. 6 / 2011;

Order of Minister of Education and Research no. 3548 / 2006; and Governmental Decision no. 134/2011.

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Reservation No. 5 - Business Services - Real estate services

Sector: Real estate services

Industry classification: CPC 821, 822

Type of reservation:

National treatment

Chapter Chapter: Cross-border Trade In Services Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

In CZ and HU: Cross-border supply of real estate services.

26

Reservation No. 6 - Business services - Rental or leasing services

Sector: Rental or leasing services without operators

Industry classification: CPC 832

Type of reservation:

National treatment

Chapter Chapter: Cross-border Trade In Services Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

In BE and FR: Cross-border supply of leasing or rental services without operator concerning

personal and household goods.

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Reservation No. 7 - Business Services - Collection agency services and Credit reporting

services

Sector: Collection agency services, credit reporting services

Industry classification: CPC 87901, 87902

Type of reservation:

National treatment

Local presence

Chapter Chapter: Cross-border Trade In Services Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

The EU, with the exception of ES, LV and SE, with regard to the supply of collection agency

services and credit reporting services.

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Reservation No. 8 - Business Services - Placement services

Sector â sub-sector: Business Services â placement services

Industry classification: CPC 87201, 87202, 87203, 87204, 87205, 87206, 87209

Type of reservation:

National treatment

Senior management and boards of directors

Local presence

Chapter Chapter: Investment Liberalisation and Cross-border Trade In Services Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

With respect to Investment liberalisation â National treatment, Senior management and boards of

directors and Cross-border trade in services â National treatment, Local presence:

In the EU, with the exception of HU and SE: Supply services of domestic help personnel, other commercial or industrial workers, nursing and other personnel (CPC 87204, 87205, 87206, 87209).

In BG, CY, CZ, DE, EE, FI, MT, LT, LV, PL, PT, RO, SI and SK: Executive search services (CPC 87201).

In AT, BG, CY, CZ, EE, FI, LT, LV MT, PL, PT, RO, SI and SK: The establishment of placement services of office support personnel

and other workers (CPC 87202).

In AT, BG, CY, CZ, DE, EE, FI, MT, LT, LV, PL, PT, RO, SI and SK: Supply services of office support personnel (CPC 87203).

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With respect to Cross-border trade in services â National treatment, Local presence:

In the EU with the exception of BE, HU and SE: The cross-border supply of placement services of office support personnel and other workers (CPC 87202).

In IE: The cross-border supply of executive search services (CPC 87201).

In FR, IE, IT and NL: The cross-border supply of services of office personnel (CPC 87203).

With respect to Investment liberalisation âNational treatment:

In DE: The Federal Ministry of Labour and Social Affairs may issue a regulation concerning the placement and recruitment of non-European Union and non-EEA personnel for specified professions (CPC 87201, 87202, 87203, 87204, 87205, 87206, 87209).

Existing measures:

AT: Â§Â§97 and 135 of the Austrian Trade Act (Gewerbeordnung), Federal Law Gazette Nr. 194/1994 as amended; and

Temporary Employment Act (Arbeitskrifteiiberlassungsgesetz/AUG), Federal Law Gazette Nr. 196/1988 as amended.

BG: Employment Promotion Act, articles 26, 27, 27a and 28.

CY: Private Employment Agency Law N. 126(1)/2012 as amended; Law N.174(D/2012 as amended CZ: Act on Employment (435/2004).

DE: Gesetz zur Regelung der Arbeitnehmeriiberlassung (AUG);

Sozialgesetzbuch Drittes Buch (SGB III; Social Code, Book Three) - Employment Promotion; Verordnung iiber die Beschaftigung von Auslanderinnen und Auslindern (BeschV; Ordinance on

the Employment of Foreigners).

DK: Â§Â§ 8a-â 8f in law decree no. 73 of 17th of January 2014 and specified in decree no. 228 of 7th 30

of March 2013 (employment of seafarers); and Employment Permits Act 2006. $1(2) and (3).

EL: Law 4052/2012 (Official Government Gazette 41 A) as amended to some of its provision by the law N.4093/2012 (Official Government Gazette 222 A).

FI: Laki julkisesta ty6voima-ja yrityspalvelusta (Act on Public Employment and Enterprise Service) (916/2012).

HR: Labour Market Act (OG 118/18, 32/20) Labour Act (OG 93/14, 127/17, 98/19) Aliens Act (OG 130/11m 74/13, 67/17, 46/18, 53/20)

IE: Employment Permits Act 2006. $1(2) and (3).

IT: Legislative Decree 276/2003 articles 4, 5.

LT: Lithuanian Labour Code of the Republic of Lithuania approved by Law No XII-2603 of 14 September 2016 of the Republic of Lithuania, last amendment 15 October 2020 No XII-3334; The Law on the Legal Status of Aliens of the Republic of Lithuania of 29 April 2004 No. [IX-2206, last amendment 10 November 2020 No XIH-3412.

LU: Loi du 18 janvier 2012 portant crÃ©ation de l'Agence pour le dÃ©veloppement de l'emploi (Law of 18 January 2012 concerning the creation of an agency for employment development â ADEM).

MT: Employment and Training Services Act, (Cap 343) (Articles 23 to 25); and Employment Agencies Regulations (S.L. 343.24).

PL: Article 18 of the Act of 20 April 2004 on the promotion of employment and labour market institutions (Dz. U. of 2015, Item. 149, as amended).

PT: Decree-Law No 260/2009 of 25 September, as amended by Law No. 5/2014 of 12 February; Law No. 28/2016 of the 23

August, and Law No. 146/2015 of 9 September (access and

provision of services by placement agencies).

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RO: Law no. 156/2000 on the protection of Romanian citizens working abroad, republished, and Government Decision no. 384/2001 for approving the methodological norms for applying the Law no. 156/2000, with subsequent amendments;

Ordinance of the Government no. 277/2002, as modified by Government Ordinance No. 790/2004 and Government Ordinance No. 1122/2010; and

Law no.53/2003 - Labour Code, republished, with subsequent amendments and supplement and the Government Decision no 1256/2011 on the operating conditions and authorization procedure for

temporary work agency. SI: Labour market regulation act (Official Gazette of RS, No. 80/2010, 21/2013, 63/2013, 55/2017); and Employment, Self-employment and Work of Aliens Act â ZZSDT (Official Gazette of RS, No.

47/2015), ZZSDT-UPB2 (Official Gazette of RS, No. 1 /2018).

SK: Act No 5/2004 on Employment Services; and Act No 455/1991on Trade Licensing.

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Reservation No. 9 - Business Services - Security and investigation services

Sectorâ sub-sector: Business services â security and investigation services

Industry classification: CPC 87301, 87302, 87303, 87304, 87305, 87309

Type of reservation:

National treatment

Senior management and boards of directors

Performance requirements

Local presence

Chapter Chapter: Investment Liberalisation and Cross-border Trade In Services Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

(a) Security services (CPC 87302, 87303, 87304, 87305, 87309)

With respect to Investment liberalisation â National treatment, Senior management and boards of directors, Performance requirements and Cross-border trade in services â National treatment, Local Presence:

In BG, CY, CZ, EE, LT, LV, MT, PL, RO, SI and SK: The supply of security services.

In DK, HR and HU: The supply of the following subsectors: guard services (87305) in HR and HU,

security consultation services (87302) in HR, airport guard services (part of 87305) in DK and

armoured car services (87304) in HU.

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With respect to Investment liberalisation âNational treatment, Senior management and boards of

directors and Cross-border trade in services National treatment, Local presence:

In BE: Nationality of a Member State is required for boards of directors of enterprises legal persons supplying guard and security services (87305) as well as consultancy and training relating to security services (87302). The senior management of companies providing guard and security

consultancy services required to be resident nationals of a Member State.

In FI: Licences to supply security services may be granted only to natural persons resident in the EEA or legal persons established in the EEA.

In ES: The cross border supply of security services. Nationality requirements exist for private

security personnel.

With respect to Cross-border trade in services âNational treatment, Local presence:

In BE, FI, FR and PT: The supply of security services by a foreign provider on a cross-border basis

is not allowed. Nationality requirements exist for specialised personnel in PT and for managing

directors and directors in FR.

Existing measures:

BE: Loi rÃ©glementant la sÃ©curitÃ© privÃ©e et particulitre, 2 Octobre 2017.

BG: Private Security Business Act.

CZ: Trade Licensing Act.

DK: Regulation on aviation security.

FI: Laki yksityisista turvallisuuspalveluista 282/2002 (Private Security Services Act).

LT: Law on security of Persons and Assets 8 July 2004 No. IX-2327.

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LV: Security Guard Activities Law (Sections 6, 7, 14).

PL: Act of 22 August 1997 on the protection of persons and property (Journal of Laws of 2016, item 1432 as amended).

PT: Law 34/2013 alterada p/ Lei 46/2019, 16 maio; and Ordinance 273/2013 alterada p/ Portaria 106/2015, 13 abril.

SI: Zakon o zasebnem varovanju (Law on private security).

(b) Investigation services (CPC 87301) With respect to Investment liberalisation âNational treatment, Senior management and boards of directors, Performance requirements and Cross-border trade in services â National treatment,

Local presence:

The EU, with the exception of AT and SE: The supply of investigation services.

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Reservation No. 10 - Business Services - Other business services

Sectorâ sub-sector:

Industry classification:

Type of reservation:

Chapter Chapter: Description:

Business services â other business services (translation and interpretation services, duplicating services, services incidental to

energy distribution and services incidental to manufacturing)

CPC 87905, 87904, 884, 887

National treatment

Most-favoured-nation treatment

Senior management and board of directors

Performance requirements

Local presence

Investment liberalisation and Cross-border trade in services

The EU reserves the right to adopt or maintain any measure with respect to the following:

(a) Translation and interpretation services (CPC 87905)

With respect to Cross-border trade in services â Local presence:

In HR: Cross-border supply of translation and interpretation of official documents.

(b) Duplicating services (CPC 87904)

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With respect to Cross-border trade in services â National treatment, Local presence:

In HU: Cross-border supply of duplicating services.

(c) Services incidental to energy distribution and services incidental to manufacturing (Part

of CPC 884, 887 other than advisory and consulting services)

With respect to Investment liberalisation â National treatment, Senior management and boards of

directors and Cross-border trade in services â National treatment, Local presence:

In HU: Services incidental to energy distribution, and cross-border supply of services incidental to

manufacturing, with the exception of advisory and consulting services relating to these sectors.

(d) Maintenance and repair of vessels, rail transport equipment and aircraft and parts thereof (part of CPC 86764, CPC 86769, CPC 8868)

With respect to Cross-border trade in services â National treatment, Local presence:

In EU, with the exception of DE, EE and HU: The cross-border supply of maintenance and repair

services of rail transport equipment.

In EU, with the exception of CZ, EE, HU, LU and SK: Cross-border supply of maintenance and

repair services of inland waterway transport vessels.

In EU, with the exception of EE, HU and LV: The cross-border supply of maintenance and repair

services of maritime vessels.

In EU, with the exception of AT, EE, HU, LV, and PL: The cross-border supply of maintenance and repair services of aircraft and parts thereof (part of CPC 86764, CPC 86769, CPC 8868).

In EU: The cross-border supply of services of statutory surveys and certification of ships.

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Existing measures:

EU: Regulation (EC) No 391/2009 of the European Parliament and the Council!,

(e)

Other business services related to aviation

With respect to Investment liberalisation â Most-favoured-nation treatment and Cross-border trade

in services â Most-favoured-nation treatment:

The EU: According differential treatment to a third country pursuant to existing or future bilateral

agreements relating to the following services:

1

(a) the selling and marketing of air transport services;

(b) computer reservation system (CRS) services;

(c) maintenance and repair of aircrafts and parts,

(d) rental or leasing of aircraft without crew.

Regulation (EC) No 391/2009 of the European Parliament and the Council of 23 April 2009 on

common rules and standards for ship inspection and survey organisations (OJ L 131 28.5,.2009, p. 11).

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Reservation No. 11 - Telecommunication

Sector: Satellite broadcast transmission services

Industry classification:

Type of reservation:

National treatment

Chapter Chapter: Investment Liberalisation and Cross-border Trade In Services Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

In BE: Satellite broadcast transmission services.

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No. 12 - Construction

Sector: Construction services

Industry classification: CPC 51

Type of reservation:

National treatment Chapter: Investment liberalisation and Cross-border trade in services Description: The EU reserves the right to adopt or maintain any measure with respect to the following: In LT: The right to prepare design documentation for construction works of exceptional significance is only given to a design enterprise registered in Lithuania or a foreign design enterprise which has been approved by an institution authorised by the Government for those activities. The right to perform technical activities in the main areas of construction may be granted

to a non-Lithuanian person who has been approved by an institution authorised by the Government

of Lithuania.

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Reservation No. 13 - Distribution services

Sector: Distribution services

Industry classification: CPC 62117, 62251, 8929, part of 62112, 62226, part of 631

Type of reservation: National treatment

Senior management and boards of directors

Performance requirements

Chapter Chapter: Investment Liberalisation and Cross-border Trade In Services Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

(a) Distribution of pharmaceuticals

With respect to Cross-border trade in services â Local presence:

In BG: Cross-border wholesale distribution of pharmaceuticals (CPC 62251).

With respect to Investment liberalisation - National treatment, Performance requirements, Senior

management and boards of director, and Cross-border trade in services â National treatment:

In FE: Distribution of pharmaceutical products (CPC 62117, 62251, 8929).

Existing measures:

BG: Law on Medicinal Products in Human Medicine; Law on Medical Devices. 41

FI: Laakelaki (Medicine Act) (395/1987).

(b) Distribution of alcoholic beverages

In FE: Distribution of alcoholic beverages (part of CPC 62112, 62226, 63107, 8929).

Existing measures:

FI: Alkoholilaki (Alcohol Act) (1102/2017).

(c) Other distribution (part of CPC 621, CPC 62228, CPC 62251, CPC 62271, part of CPC 62272, CPC 62276, CPC 63108, part of CPC 6329)

With respect to Cross-border trade in services â National treatment, Local presence:

In BG: Wholesale distribution of chemical products, precious metals and stones, medical substances

and products and objects for medical use; tobacco and tobacco products and alcoholic beverages.

Bulgaria reserves the right to adopt or maintain any measure with respect to the services provided

by commodity brokers.

Existing measures:

In BG: Law on Medicinal Products in Human Medicine;

Law on Medical Devices;

Law of Veterinary Activity;

Law for Prohibition of Chemical Weapons and for Control over Toxic Chemical Substances and Their Precursors;

Law for Tobacco and Tobacco Products. Law on excise duties and tax warehouses and Law on

wine and spirits.

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Reservation No. 14 - Education services

Sector: Education services

Industry classification: CPC 92

Type of reservation: National treatment

Senior management and boards of directors

Performance requirements

Local presence Chapter: Investment liberalisation and Cross-border trade in services Description: The EU reserves the right to adopt or maintain any measure with respect to the following: With respect to Investment liberalisation - National treatment, Performance requirements, Senior management and boards of director, and Cross-border trade in services âNational treatment, Local presence: The EU: Educational services which receive public funding or State support in any form. Where the supply of privately funded education services by a foreign provider is permitted, participation of private operators in the education system may be subject to concession allocated on a non- discriminatory basis. The EU, with the exception of CZ, NL, SE and SK: With respect to the supply of privately funded

other education services, which means other than those classified as being primary, secondary,

higher and adult education services (CPC 929).

44

In CY, FI, MT and RO: The supply of privately funded primary, secondary, and adult education services (CPC 921, 922, 924),

In AT, BG, CY, FI, MT and RO: The supply of privately funded higher education services (CPC 923).

In CZ and SK: The majority of the members of the board of directors of an establishment providing privately funded education services must be nationals of that country (CPC 921, 922, 923 for SK other than 92310, 924),

In SI: Privately funded elementary schools may be founded by Slovenian natural or legal persons only. The service supplier must establish a registered office or a branch. The majority of the members of the board of directors of an establishment providing privately funded secondary or higher education services must be Slovenian nationals (CPC 922, 923).

In SE: Educational services suppliers that are approved by public authorities to provide education. This reservation applies to privately funded educational services suppliers with some form of State support, inter alia educational service suppliers recognised by the State, educational services

suppliers under State supervision or education which entitles to study support (CPC 92).

In SK: EBA residency is required for suppliers of all privately funded education services other than post-secondary technical and vocational education services. (CPC 921, 922, 923 other than 92310, 924).

With respect to Cross-border trade in services â National treatment, Local presence:

In BG, IT and SI: To restrict the cross-border supply of privately funded primary education services (CPC 921).

In BG and IT: To restrict the cross-border supply of privately funded secondary education services (CPC 922).

In AT: To restrict the cross-border supply of privately funded adult education services by means of radio or television broadcasting (CPC 924).

45

Existing measures:

BG: Public Education Act, article 12; Law for the Higher Education, paragraph 4 of the additional provisions; and Vocational Education and Training Act, article 22.

FI: Perusopetuslaki (Basic Education Act) (628/1998);

Lukiolaki (General Upper Secondary Schools Act) (629/1998);

Laki ammatillisesta koulutuksesta (Vocational Training and Education Act) (630/1998); Laki ammatillisesta

aikuiskoulutuksesta (Vocational Adult Education Act) (631/1998); Ammattikorkeakoululaki (Polytechnics Act) (351/2003); and Yliopistolaki (Universities Act) (558/2009).

IT: Royal Decree 1592/1933 (Law on secondary education);

Law 243/1991 (Occasional public contribution for private universities);

Resolution 20/2003 of CNVSU (Comitato nazionale per la valutazione del sistema universitario); and

Decree of the President of the Republic (DPR) 25/1998.

SK: Act 245/2008 on education;

Act 131/2002 on Universities; and Act 596/2003 on State Administration in Education and School Self- Administration.

46

Reservation No. 15 - Environmental services

Sectorâ sub-sector: Environmental services â waste and soil management

Industry classification: CPC 9401, 9402, 9403, 94060

Type of reservation: Local presence Chapter: Cross-border trade in services Description:

The EU reserves the right to adopt or maintain any measure with respect to the following: In DE: The supply of waste management services other than advisory services, and with respect to

services relating to the protection of soil and the management of contaminated soils, other than

advisory services.

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Reservation No. 16 - Health and social services

Sector: Health and social services Industry classification: CPC 93, 931, other than 9312, part of 93191, 9311, 93192, 93193, 93199

Type of reservation:

National treatment

Most-favoured-nation treatment

Senior management and board of directors

Performance requirements

Local presence

Chapter Chapter: Investment Liberalisation and Cross-border Trade In Services Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

(a) Health services â hospital, ambulance, residential health services (CPC 93, 931, other

than 9312, part of 93191, 9311, 93192, 93193, 93199)

With respect to Investment liberalisation - National treatment, Performance requirements, Senior

management and boards of directors:

The EU: For the supply of all health services which receive public funding or State support in any

form.

48

The EU: For all privately funded health services, other than privately funded hospital, ambulance,

and residential health facilities services other than hospital services.

This reservation does not relate to the supply of all health-related professional services, including the services supplied by professionals such as medical doctors, dentists, midwives, nurses, physiotherapists, paramedics, and psychologists, which are covered by other reservations (CPC 931 other than 9312, part of 93191).

In AT, PL and SI: The supply of privately funded ambulance services (CPC 93192).

In BE: the establishment of privately funded ambulance and residential health facilities services other than hospital services (CPC 93192, 93193).

In BG, CY, CZ, FI, MT and SK: The supply of privately-funded hospital, ambulance, and residential health services other than hospital services (CPC 9311, 93192, 93193).

In FI: Supply of other human health services (CPC 93199).

Existing measures:

CZ: Act No. 372/2011 Coll. on Health Care Services and Conditions of Their Provision.

FI: Laki yksityisesta terveydenhuollosta (Act on Private Health Care) (152/1990).

With respect to Investment liberalisation âNational treatment, Most-favoured nation treatment,

Senior management and boards of directors, Performance requirements:

In DE: The supply of the Social Security System of Germany, where services may be provided by different companies or entities involving competitive elements which are thus not "Services carried out exclusively in the exercise of governmental authority". To accord better treatment in the context

of a bilateral trade agreement with regard to the supply of health and social services (CPC 93).

With respect to Investment liberalisation â National treatment:

49

In DE: The ownership of privately funded hospitals run by the German Forces.

To nationalise other key privately funded hospitals (CPC 93110).

In FR: To the supply of privately funded laboratory analysis and testing services.

With respect to Cross-border trade in services â National treatment:

In FR: The supply of privately funded laboratory analysis and testing services (part of CPC 9311).

Existing measures:

FR: Code de la SantÃ© Publique

(b) Health and social services, including pension insurance

With respect to Cross-border trade in services â National treatment, Local presence:

The EU, with the exception of HU: The cross-border supply of health services, social services and activities or services forming part of a public retirement plan or statutory system of social security. This reservation does not relate to the supply of all health-related professional services, including the services provided by professionals such as medical doctors, dentists, midwives, nurses, physiotherapists, paramedics, and psychologists, which are covered by other reservations (CPC 931 other than 9312, part of 93191).

In HU: The cross-border supply of all hospital, ambulance, and residential health services other than hospital services, which receive public funding (CPC 9311, 93192, 93193).

(Â©) Social services, including pension insurance

With respect to Investment liberalisation âNational treatment, Senior management and boards of

directors, Performance requirements:

50

The EU: The supply of all social services which receive public funding or State support in any form and activities or services forming part of a public retirement plan or statutory system of social

security.

In BE, CY, DE, DK, EL, ES, FR, IE, IT and PT: The supply of privately funded social services

other than services relating to convalescent and rest houses and old people's homes.

In CZ, FI, HU, MT, PL, RO, SK, and SI: The supply of privately funded social services.

In DE: The Social Security System of Germany, where services are provided by different

companies or entities involving competitive elements and might therefore not fall under the

definition of the "Services carried out exclusively in the exercise of governmental authorityâ.

Existing measures:

FI: Laki yksityisistÃ© sosiaalipalveluista (Private Social Services Act) (922/201 1).

TE: Health Act 2004 (S. 39); and Health Act 1970 (as amended â-S.61A).

IT: Law 833/1978 Institution of the public health system;

Legislative Decree 502/1992 Organisation and discipline of the health field; and Law 328/2000

Reform of social services.

51

Reservation No. 17 - Tourism and travel related services

Sector: Tourist guides services, health and social services Industry classification: CPC 7472 Type of reservation: National treatment

Most-favoured-nation treatment

Chapter Chapter: Investment Liberalisation and Cross-border Trade In Services Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

With respect to Investment liberalisation âNational treatment and Cross-border trade in services â

National treatment:

In FR: To require nationality of a Member State for the supply of tourist guide services.

With respect to Investment liberalisation â Most-favoured-nation treatment and Cross-border trade

in services â Most-favoured-nation treatment:

In LT: In so far as Chile allows nationals of Lithuania to provide tourist guide services, Lithuania

will allow nationals of Chile to provide tourist guide services under the same conditions.

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Reservation No. 18 - Recreational, cultural and sporting services

Sector: Recreational, cultural and sporting services

Industry classification: CPC 962, 963, 9619, 964

Type of reservation:

National treatment

Senior management and board of directors

Performance requirements

Local presence

Chapter Chapter: Investment Liberalisation and Cross-border Trade In Services Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

(a) Libraries, archives, museums and other cultural services (CPC963)

With respect to Investment liberalisation - National treatment, Performance requirements, Senior

management and boards of director, and Cross-border trade in services â National treatment,

Local presence:

The EU, with the exception of AT and, for investment liberalisation, in LT: The supply of library,

archive, museum and other cultural services.

In AT and LT: A licence or concession may be required for establishment.

(b) Entertainment services, theatre, live bands and circus services (CPC 9619, 964 other

than 96492) 53

With respect to Cross-border trade in services â National treatment:

The EU, with the exception of AT and SE: The cross-border supply of entertainment services,

including theatre, live bands, circus and discotheque services.

With respect to Investment liberalisation - National treatment, Performance requirements, Senior management and boards of director, and Cross-border trade in services â National treatment,

Local presence:

In CY, CZ, FI, MT, PL, RO, SI and SK: With respect to the supply of entertainment services,

including theatre, live bands, circus and discotheque services.

In BG: The supply of the following entertainment services: circus, amusement park and similar attraction services, ballroom, discotheque and dance instructor services, and other entertainment services.

In EE: The supply of other entertainment services except for cinema theatre services.

In LT and LV: The supply of all entertainment services other than cinema theatre operation

services.

In CY, CZ, LV, PL, RO and SK: The cross-border supply of sporting and other recreational

services.

(c) News and press agencies (CPC 962)

With respect to Investment liberalisation â National treatment, Most-favoured-nation treatment:

In FR: Foreign participation in existing companies publishing publications in the French language

may not exceed 20 per cent of the capital or of voting rights in the company. The establishment of

press agencies of Chile is subject to conditions set out in domestic regulation. The establishment of

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press agencies by foreign investors is subject to reciprocity.

Existing measures:

FR: Ordonnance nÂ° 45-2646 du 2 novembre 1945 portant reglementation provisoire des agences de presse; and Loi nÂ° 86-897 du 1 aofit 1986 portant rÃ©forme du rÃ©gime juridique de la presse.

(d) Gambling and betting services (CPC 96492)

With respect to Investment liberalisation - National treatment, Performance requirements, Senior management and boards of director, and Cross-border trade in services â National treatment, Local presence:

The EU: The supply of gambling activities, which involve wagering a stake with pecuniary value in games of chance, including in particular lotteries, scratch cards, gambling services offered in

casinos, gambling arcades or licensed premises, betting services, bingo services and gambling

services operated by and for the benefit of charities or non-profit-making organisations.

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Reservation No. 19 - Transport services and auxiliary transport services

Sector: Transport services

Type of reservation:

National treatment

Most-favoured-nation treatment

Senior management and board of directors

Performance requirements

Local presence

Chapter Chapter: Investment Liberalisation and Cross-border Trade In Services Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

(a) Maritime transport â any other commercial activity undertaken from a ship

With respect to Investment liberalisation â National treatment, Senior management and boards of

directors, Performance requirements and Cross-border trade in services â National treatment:

The EU: The nationality of the crew on a seagoing or non-seagoing vessel.

With respect to Investment liberalisation âNational treatment, Most-favoured nation treatment,

Senior management and boards of directors:

The EU, except LV and MT: Only EU natural or legal persons may register a vessel and operate a fleet under the national flag of the state of establishment (applies to all commercial marine activity undertaken from a seagoing ship, including fishing, aquaculture, and services incidental to fishing;

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international passenger and freight transportation (CPC 721); and services auxiliary to maritime transport).

The EU: For feeder services, and for repositioning owned or leased containers on a non-revenue basis by EU shipping companies, for the part of these services which does not fall under the

exclusion of national maritime cabotage.

With respect to Cross-border trade in services â National treatment, Local presence:

In SK: Foreign investors must have their principal office in the Slovak Republic in order to apply

for a licence enabling them to provide a service (CPC 722).

(b) Auxiliary services to maritime transport

With respect to Investment liberalisation â National treatment, Senior management and boards of

directors and Cross-border trade in services â National treatment, Local presence:

The EU: The supply of pilotage and berthing services. For greater certainty, regardless of the criteria which may apply to the registration of ships in a Member State of the European Union, the European Union reserves the right to require that only ships registered on the national registers of Member States of the European Union may provide pilotage and berthing services (CPC 7452).

The EU, with the exception of LT and LV: Only vessels carrying the flag of a Member State of the European Union may provide pushing and towing services (CPC 7214).

With respect to Cross-border trade in services âNational treatment, Local presence:

In LT: Only juridical persons of Lithuania or juridical persons of a Member State of the European Union with branches in Lithuania that have a Certificate issued by the Lithuanian Maritime Safety Administration may provide pilotage and berthing, pushing and towing services (CPC 7214, 7452).

With respect to Cross-border trade in services National treatment, Local presence

In BE: Cargo handling services can only be operated by accredited workers, eligible to work in port

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areas designated by royal decree (CPC 741).

Existing measures:

BE: Loi du 8 juin 1972 organisant le travail portuaire;

ArrÃ©tÃ© royal du 12 janvier 1973 instituant une Commission paritaire des ports et fixant sa dÃ©nomination et sa compÃ©tence;

ArrÃ©tÃ© royal du 4 septembre 1985 portant agrÃ©ment d'une organisation d'employeur (Anvers); ArrÃ©tÃ© royal du 29 janvier 1986 portant agrÃ©ment d'une organisation d'employeur (Gand); ArrÃ©tÃ© royal du 10 juillet 1986 portant agrÃ©ment d'une organisation d'employeur (Zeebrugge); ArrÃ©tÃ© royal du ler mars 1989 portant agrÃ©ment d'une organisation d'employeur (Ostende); and ArrÃ©tÃ© royal du 5 juillet 2004 relatif 4 la reconnaissance des ouvriers portuaires dans les zones portuaires tombant dans le champ d'application de la loi du 8 juin 1972 organisant le travail portuaire, tel que modifiÃ©.

(Â©) Inland waterways transport and auxiliary services to inland waterways transport

With respect to Investment liberalisation â National treatment, Most-favoured nation treatment, Senior management and boards of directors, Performance requirements and Cross-border trade in

services â National treatment, Local presence, Most favoured-nation treatment:

The EU: Inland waterways passenger and freight transportation (CPC 722); Services auxiliary to

inland waterways transportation.

(d) Rail transport and auxiliary services to rail transport

With respect to Investment liberalisation â National treatment, Most-favoured nation treatment and Cross-border trade in

services â National treatment, Most-favoured nation treatment, Local

presence.

In EU: Railway passenger transportation (CPC 7111). 58

With respect to Investment liberalisation â Most-favoured nation treatment and Cross-border trade

in services â Most-favoured nation treatment, Local presence: In EU: Railway freight transportation (CPC 7112). Subject to conditions of reciprocity.

In LT: Maintenance and repair services of rail transport equipment are subject to a state monopoly (CPC 86764, 86769, part of 8868).

Existing measures: EU: Directive 2012/34/BU of the European Parliament and of the Council?.

(e) Road transport (passenger transportation, freight transportation, international truck

transport services) and services auxiliary to road transport

With respect to Investment liberalisation âNational treatment, Senior management and boards of

directors and Cross-border trade in services âNational treatment In the EU:

(i) _ to require establishment and to limit the cross-border supply of road transport services (CPC 712).

Gi) to limit the supply of cabotage within a Member State of the European Union by foreign investors established in another Member State of the European Union (CPC 712).

With respect to Investment liberalisation âNational treatment, and Cross-border trade in services â

Local presence

2 Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (OJ L 343 14.12.2012, p. 32). 59

In BG: For passenger and freight transportation, exclusive rights or authorisations may only be granted to nationals of a Member State and to juridical persons of the EU having their headquarters in the EU. Incorporation is required (CPC 712).

With respect to Investment liberalisation âNational treatment and Cross-border trade in services â

National treatment:

In FI: Authorisation is required to provide road transport services, which is not extended to foreign registered vehicles (CPC 712).

With respect to Investment liberalisation âNational treatment:

In FR: The supply of intercity bussing services (CPC 712).

With respect to Cross-border trade in services âLocal presence:

In BG: To require establishment for supporting services to road transport (CPC 744). Existing measures:

EU: Regulation (EC) No 1071/2009 of the European Parliament and of the Council; Regulation (EC) No 1072/2009 of the European Parliament and of the Councilâ; and Regulation (EC) No 1073/2009 of the European Parliament and of the Council5.

FI: Laki kaupallisista tavarankuljetuksista tiella (Act on Commercial Road Transport) 693/2006; Laki liikenteen palveluista (Act on Transport Services) 320/2017;

Ajoneuvolaki (Vehicles Act) 1090/2002.

3 Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC (OJ L300, 14.11.2009, p.51).

4 Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for

access to the international road haulage market (OJ L 300, 14.11.2009, p.72),

5 Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300 14.11.2009, p. 88).

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(@) Space transport and rental of space craft

With respect to Investment liberalisation â National treatment, Performance requirements, Senior management and boards of directors and Cross-border trade in services â National treatment,

Local presence:

In the EU: The supply of space transport services and the supply of rental of space craft services (CPC 733, part of 734).

(g) Most-favoured-nation exemptions

With respect to Investment liberalisation â Most-favoured-nation treatment, and Cross-border trade

in services â Most-favoured-nation treatment:

â Transport (cabotage) other than maritime transport

In FI: According differential treatment to a country pursuant to existing or future bilateral agreements exempting vessels registered under the foreign flag of a specified other country or foreign registered vehicles from the general prohibition from providing cabotage transport (including combined transport, road and rail) in Finland on the basis of reciprocity (part of CPC 711, part of 712, part of 722).

- Supporting services for maritime transport

In BG: In so far as Chile allows service suppliers from Bulgaria to supply cargo-handling services and storage and warehouse services in sea and river harbours, including services relating to containers and goods in containers, Bulgaria will allow service suppliers from Chile to supply cargo-handling services and storage and warehouse services in sea and river harbours, including services relating to containers and goods in containers under the same conditions (part of CPC 741, part of 742).

â Rental or leasing of vessels

In DE: Chartering-in of foreign ships by consumers resident in Germany may be subject to a 61

condition of reciprocity (CPC 7213, 7223, 83103).

â Road and rail transport

In the EU: To accord differential treatment to a country pursuant to existing or future bilateral agreements relating to international road haulage (including combined transport â road or rail) and passenger transport, concluded between the Union or the Member States and a third country (CPC 7111, 7112, 7121, 7122, 7123). That treatment may:

(i) _ reserve or limit the supply of the relevant transport services between the contracting Parties or across the territory of the contracting Parties to vehicles registered in each

contracting PartyÂ®; or

Gi) provide for tax exemptions for such vehicles.

â Road transport

In BG: Measures taken under existing or future agreements, which reserve or restrict the supply of these kinds of transportation services and specify the terms and conditions of this supply, including transit permits or preferential road taxes, in the territory of Bulgaria or across the borders of Bulgaria (CPC 7121, 7122, 7123).

In CZ: Measures that are taken under existing or future agreements, and which reserve or limit the supply of transport services and specify operating conditions, including transit permits or preferential road taxes of a transport services into, in, across and out of the Czech Republic to the

contracting parties concerned (CPC 7121, 7122, 7123).

In ES: Authorisation for the establishment of a commercial presence in Spain may be refused to service suppliers whose country of origin does not accord effective market access to service suppliers of Spain (CPC 7123). Ley 16/1987, de 30 de julio, de OrdenaciÃ©n de los Transportes

Terrestres.

With regard to Austria the part of the most-favoured-nation treatment exemption regarding traffic rights covers all countries with whom bilateral agreements on road transport or other arrangements relating to road transport exist or may be considered in future.

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In HR: Measures applied under existing or future agreements on international road transport and which reserve or limit the supply of transport services and specify operating conditions, including transit permits or preferential road taxes of transport services into, in, across and out of Croatia to the parties concerned (CPC 7121, 7122, 7123).

In LT: Measures that are taken under bilateral agreements and which set the provisions for transport services and specify operating conditions, including bilateral transit and other transport permits for transport services into, through and out of the territory of Lithuania to the contracting parties concerned, and road taxes and levies (CPC 7121, 7122, 7123).

In SK: Measures that are taken under existing or future agreements, and which reserve or limit the supply of transport services and specify operating conditions, including transit permits or preferential road taxes of a transport services into, in, across and out of the Slovak Republic to the contracting parties concerned (CPC 7121, 7122, 7123).

â Rail transport In BG, CZ and SK: For existing or future agreements, and which regulate traffic rights and operating conditions, and the supply of transport services in the territory of Bulgaria, the Czech Republic and Slovakia and between the countries concerned. (CPC 7111, 7112).

â Air transport - Services auxiliary to air transport

In the EU: According differential treatment to a third country pursuant to existing or future bilateral

agreements relating to ground-handling services.

â Road and rail transport

In EE: when according differential treatment to a country pursuant to existing or future bilateral agreements on international road transport (including combined transport-road or rail), reserving or limiting the supply of a transport services into, in, across and out of Estonia to the contracting Parties to vehicles registered in each contracting Party, and providing for tax exemption for such vehicles (part of CPC 711, part of 712, part of 721).

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â All passenger and freight transport services other than maritime and air transport

In PL: In so far as Chile allows the supply of transport services into and across the territory of Chile by passenger and freight transport suppliers of Poland, Poland will allow the supply of transport services by passenger and freight transport suppliers of Chile into and across the territory

of Poland under the same conditions.

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Reservation No. 20 - Agriculture, fishing and water

Sector:

Industry classification:

Type of reservation:

Chapter Chapter: Description:

Agriculture, hunting, forestry; fishing, aquaculture, services incidental to fishing; collection, purification and distribution of

water

ISIC Rev. 3.1 011, ISIC Rev. 3.1 012, ISIC Rev. 3.1 013, ISIC Rev.

3.1 014, ISIC Rev. 3.1 015, CPC 8811, 8812, 8813 other than

advisory and consultancy services; ISIC Rev. 3.1 0501, 0502, CPC

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National treatment

Most-favoured-nation treatment

Senior management and board of directors

Performance requirements

Local presence

Investment liberalisation and Cross-border trade in services

The EU reserves the right to adopt or maintain any measure with respect to the following:

(a) Agriculture, hunting and forestry

With respect to Investment liberalisation âNational treatment:

In HR: Agricultural and hunting activities.

In HU: Agricultural activities (ISIC Rev. 3.1 011, 3.1 012, 3.1 013, 3.1 014, 3.1 015, CPC 8811,

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8812, 8813 other than advisory and consultancy services).

Existing measures:

HR: Agricultural Land Act (OG 20/18, 115/18, 98/19)

(b) Fishing, aquaculture and services incidental to fishing (ISIC Rev. 3.1 0501, 0502, CPC 882)

With respect to Investment liberalisationâ National treatment, Senior management and boards of directors, Performance requirements, Most-favoured-nation treatment and Cross-border trade in

services â National treatment, Most-favoured-nation treatment, Local presence:

1. âIn particular within the framework of the Common Fisheries Policy, and of fishing agreements with a third country, access to and use of the biological resources and fishing grounds situated in maritime waters coming under the sovereignty or the jurisdiction of Member States, or

entitlements for fishing under a Member State fishing licence, including: (a) regulating the landing of catches by vessels flying the flag of the Chile or a third country with respect to the quotas allocated to them or, only with respect to vessels flying the flag of a

Member State, requiring that a proportion of the total catch is landed in Union ports;

(b) determining a minimum size for a company in order to preserve both artisanal and coastal

fishing vessels;

(c) according differential treatment pursuant to existing or future bilateral agreements relating to

fisheries; and

(d) requiring the crew of a vessel flying the flag of a Member State to be nationals of Member States.

2. A fishing vesselâs entitlement to fly the flag of a Member State only if

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(a) it is wholly owned by:

G) companies incorporated in the Union; or

(ii) Member State nationals;

(b) its day-to-day operations are directed and controlled from within the Union; and

(c) any charterer, manager or operator of the vessel is a company incorporated in the Union or a

national of a Member State.

3. A commercial fishing licence granting the right to fish in the territorial waters of a Member State may only be granted to vessels flying the flag of a Member State.

4. The establishment of marine or inland aquaculture facilities.

5. Point (a), (b), (c) (other than with respect to most-favoured nation treatment) and (d) of paragraph 1; point (a)(i), point (b) and (c) of paragraph 2 and paragraph 3 only apply to measures which are applicable to vessels or to enterprises irrespective of the nationality of their beneficial

owners,

The nationality of the crew of a fishing vessel flying the flag of a Member State of the European

Union.

The establishment of marine or inland aquaculture facilities.

With respect to Investment liberalisationâ National treatment, Most-favoured nation treatment

and Cross-border trade in servicesâ National treatment:

In BG: The taking of marine and river-living resources, performed by vessels in the internal marine waters, and the territorial sea of Bulgaria, shall be performed by vessels flying the flag of Bulgaria. A foreign ship may not engage in commercial fishing in the exclusive economic zone save on the

basis of an agreement between Bulgaria and the flag state. While passing through the exclusive

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economic zone, foreign fishing ships may not maintain their fishing gear in operational mode.

(c) Collection, purification and distribution of water

With respect to Investment liberalisationâ National treatment and Cross-border trade in services

â National treatment, Local presence: In the EU: For activities, including services relating to the collection, purification and distribution

of water to household, industrial, commercial or other users, including the supply of drinking water,

and water management.

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Reservation No. 21 - Mining and Energy related activities

Sector:

Industry classification:

Type of reservation:

Chapter Chapter: Description:

Mining and quarrying - energy producing materials; mining and quarrying - metal ores and other mining; Energy related activities - production, transmission and distribution on own account of electricity, gas, steam and hot water; pipeline transportation of fuels; storage and warehouse of fuels transported through pipelines; and services incidental

to energy distribution

ISIC Rev. 3.1 10, 1110, 12, 120, 1200, 13, 14, 232, 233, 2330, 40, 401,

4010, 402, 4020, part of 4030, CPC 613, 62271, 63297, 7131, 71310,

742, 7422, part of 88, 887.

National treatment

Senior management and board of directors

Performance requirements

Local presence

Investment liberalisation and Cross-border trade in services

The EU reserves the right to adopt or maintain any measure with respect to the following:

(a) Mining and Energy activities â general (ISIC Rev. 3.1 10, 1110, 13, 14, 232, 40, 401, 402, part of 403, 41; CPC 613, 62271, 63297, 7131, 742, 7422, 887 (other than advisory and

consulting services))

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With respect to Investment liberalisation â National treatment, Senior management and boards of directors, Performance requirements and Cross-border trade in services â National treatment,

Local presence:

In the EU: Where a Member State permits foreign ownership of a gas or electricity transmission system, or an oil and gas pipeline transport system, with respect to enterprises of Chile controlled by natural or legal persons of a third country which accounts for more than 5 per cent of the Union's oil, natural gas or electricity imports, in order to guarantee the security of the energy supply of the Union as a whole, or of an individual Member State. This reservation does not apply to advisory

and consultancy services provided as services incidental to energy distribution.

This reservation does not apply to HR, HU and LT (for LT, only CPC 7131) with regard to the pipeline transport of fuels, nor to LV with regard to services incidental to energy distribution, nor to SI with regard to services incidental to the distribution of gas (ISIC Rev. 3.1 401, 402, CPC 7131, 887 other than advisory and consultancy services).

In CY: For the manufacture of refined petroleum products in so far as the investor is controlled by a natural or juridical person of a third country which accounts for more than 5 per cent of the Union's oil or natural gas imports, as well as to the manufacture of gas, distribution of gaseous fuels through mains on own account, the production, transmission and distribution of electricity, the pipeline transportation of fuels, services incidental to electricity and natural gas distribution other than advisory and consulting services, wholesale services of electricity, retailing services of motor fuel, electricity and non-bottled gas. Nationality and residency conditions applies for electricity related services. (ISIC Rev. 3.1 232, 4010, 4020, CPC 613, 62271, 63297, 7131, and 887 other than

advisory and consulting services).

In FI: The transmission and distribution networks and systems of energy and of steam and hot

water.

In FI: The quantitative restrictions in the form of monopolies or exclusive rights for the importation of natural gas, and for the production and distribution of steam and hot water. Currently, natural monopolies and exclusive rights exist (SIC Rev. 3.1 40, CPC 7131, 887 other than advisory and

consultancy services).

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In FR: The electricity and gas transmission systems and oil and gas pipeline transport (CPC 7131).

With respect to Investment liberalisationâ National treatment, Senior management and boards of

directors and Cross-border trade in services â National treatment, Local presence:

In BE: The energy distribution services, and services incidental to energy distribution (CPC 887

other than consultancy services).

With respect to Investment liberalisationâ National treatment and Cross-border trade in services

âNational treatment, Local presence:

In BE: For energy transmission services, regarding the types of legal entities and to the treatment of public or private operators to whom BE has conferred exclusive rights. Establishment is required within the Union (ISIC Rev. 3.1 4010, CPC 71310).

In BG: For services incidental to energy distribution (part of CPC 88).

In PT: For the production, transmission and distribution of electricity, the manufacturing of gas, the pipeline transportation of fuels, wholesale services of electricity, retailing services of electricity and non-bottled gas, and services incidental to electricity and natural gas distribution. Concessions for electricity and gas sectors are assigned only to limited companies with their headquarters and effective management in PT (ISIC Rev. 3.1 232, 4010, 4020, CPC 7131, 7422, 887 other than

advisory and consulting services).

In SK: An authorisation is required for the production, transmission and distribution of electricity, manufacture of gas and distribution of gaseous fuels, production and distribution of steam and hot water, pipeline transportation of fuels, wholesale and retail of electricity, steam and hot water, and services incidental to energy distribution, including services in the area of energy efficiency, energy savings and energy audit. For all those activities, an authorisation may only be granted to a natural

person with permanent residency in the EEA or a legal person of the EEA.

With respect to Investment liberalisationâ National treatment, Local presence:

In BE: With the exception of the mining of metal ores and other mining and quarrying, enterprises

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controlled by natural or legal persons of a third country which accounts for more than 5 per cent of the European Union's oil or natural gas or electricity imports may be prohibited from obtaining control of the activity. Incorporation is required (no branching) (ISIC Rev. 3.1 10, 1110, 13, 14, 232, part of 4010, part of 4020, part of 4030).

Existing measures:

EU: Directive (EU) 2019/944of the European Parliament and of the Councilâ; and Directive 2009/73/EC of the European Parliament and of the CouncilÂ®,

BG: Energy Act.

CY: The Regulation of the Electricity Market Law of 2003 Law, as amended or replaced; The Regulating of the Gas Market Laws of 2004, as amended or replaced; The Petroleum (Pipelines) Law, Chapter 273, The Petroleum Law L.64(D/1975, as amended or replaced; The Petroleum and

Fuel Specifications Laws of 2003, as amended or replaced.

FI: SahkÃ©markkinalaki (Electricity Market Act) (386/1995); Maakaasumarkkinalaki (Natural Gas Market Act) (587/2017).

FR: Code de l'Ã©nergie.

PT: Decree-Law 230/2012 and Decree-Law 231/2012, 26 October - Natural Gas; Decree-Law 215- A/2012, and Decree-Law 215-B/2012, 8 October â Electricity; and Decree-Law 31/2006, 15 February â Crude oil/Petroleum products.

SK: Act 51/1988 on Mining, Explosives and State Mining Administration; Act 569/2007 on Geological Works; Act 251/2012 on

Energy; and Act 657/2004 on Thermal Energy.

Directive (EU) 2019/944 of the European Parliament and of the Council of 5S June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU (OJ L 158, 14.6.2019, p. 125) 8 Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC (OJ L 211, 14.8.2009, p. 94).

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(b) Electricity (ISIC Rev. 3.1 40, 401; CPC 62271, 887 (other than advisory and consulting

services))

With respect to Investment liberalisationâ National treatment, Senior management and boards of

directors, Performance requirements and Cross-border trade in services â National treatment:

In FI: The importation of electricity. With respect to cross-border trade, the wholesale and retail of electricity.

In FR: Only companies where 100 per cent of the capital is held by the French State, by another public sector organisation or by ElectricitÃ© de France (EDF), may own and operate electricity

transmission or distribution systems.

With respect to Investment liberalisationâ National treatment and Cross-border trade in services

â National treatment: In BG: For the production of electricity and the production of heat.

In LT: Wholesale and retail services and trading of electricity that originates from non-safe nuclear

sources.

In PT: The activities of electricity transmission and distribution are carried out through exclusive

concessions of public service.

With respect to Investment liberalisationâ National treatment, Most-favoured-nation treatment

and Cross-border trade in servicesâ Local presence:

In BE: An individual authorisation for the production of electricity of a capacity of 25 MW or above requires establishment in the Union, or in another State which has a regime similar to that enforced by Directive 96/92/EC of the European Parliament and of the Council? in place, and where

the company has an effective and continuous link with the economy.

8 Directive 96/92/EC of the European Parliament and of the Council of 19 December 1996 concerning common rules for the internal market in electricity (OJ L 27, 30,1.1997, p. 20). 73

The production of electricity within the offshore territory of BE is subject to concession and a joint venture obligation with a legal person of the Union, or with a legal person of a country having a regime similar to that of Directive 2003/54/EC of the European Parliament and of the Council?Â®,

particularly with regard to conditions relating to the authorisation and selection.

Additionally, the legal person should have its central administration or its head office in a Member State of the European Union or a country meeting the above criteria, where it has an effective and

continuous link with the economy.

The construction of electrical power lines which link offshore production to the transmission network of Elia requires authorisation and the company must meet the previously specified

conditions, except for the joint venture requirement.

With respect to Cross-border trade in services â National treatment, Local presence:

In BE: An authorisation is necessary for the supply of electricity by an intermediary having customers established in BE who

are connected to the national grid system or to a direct line whose nominal voltage is higher than 70,000 volts. That authorisation may only be granted to a natural or legal person of the EEA.

Existing measures:

BE: ArrÃ©tÃ© Royal du 11 octobre 2000 fixant les critÃ©res et la procÃ©dure d'octroi des autorisations individuelles prÃ©alables a la construction de lignes directes;

ArrÃ©tÃ© Royal du 20 dÃ©cembre 2000 relatif aux conditions et 4 la procÃ©dure d'octroi des concessions domaniales pour la construction et l'exploitation d'installations de production d'Ã©lectricitÃ© 4 partir de l'eau, des courants ou des vents, dans les espaces marins sur lesquels la Belgique peut exercer sa juridiction conformÃ©ment au droit international de la mer; and ArrÃ©tÃ© Royal du 12 mars 2002 relatif aux modalitÃ©s de pose de cables d'Ã©nergie Ã©lectrique qui pÃ©nÃ©trent dans la mer territoriale ou dans le

territoire national ou qui sont installÃ©s ou utilisÃ©s dans le cadre de l'exploration du plateau

10 Directive 2003/54/EC of the European Parliament and of the Council of 26 June 2003 concerning

common rules for the internal market in electricity and repealing Directive 96/92/EC (OJ L176, 15.7.2003, p.37). 74

continental, de l'exploitation des ressources minÃ©rales et autres ressources non vivantes ou de l'exploitation d'fles artificielles, d'installations ou d'ouvrages relevant de la juridiction belge. ArrÃ©tÃ© royal relatif aux autorisations de fourniture d'Ã©lectricitÃ© par des intermÃ©diaires et aux rÃ©gles de conduite applicables 4 ceux-ci.

ArrÃ©tÃ© royal du 12 juin 2001 relatif aux conditions gÃ©nÃ©rales de fourniture de gaz naturel et aux

conditions d'octroi des autorisations de fourniture de gaz naturel.

FI: SahkÃ©markkinalak (Electricity Market Act) 588/2013; Maakaasumarkkinalaki (Natural Gas Market Act) (587/2017)

LT: Law on Necessary measures to protect against non-safe nuclear electrical threats from third countries of 20 April 2017 No XIII-306 (last amendment 19 December 2019, No XIII-2705).

PT: Decree-Law 215-A/2012; and Decree-Law 215-B/2012, 8 October â Electricity.

(c) Fuels, gas, crude oil or petroleum products (ISIC Rev. 3.1 232, 40, 402; CPC 613, 62271, 63297, 7131, 71310, 742, 7422, part of 88, 887 (other than advisory and consulting

services))

With respect to Investment liberalisation âNational treatment, Senior management and boards of

directors, Performance requirements and Cross-border trade in services â National treatment:

In FI: To prevent control or ownership of a liquefied natural gas (LNG) terminal (including those parts of the LNG terminal used for storage or re-gasification of LNG) by foreign natural or legal

persons for energy security reasons. In FR: Only companies where 100 per cent of the capital is held by the French State, by another public sector organisation or by ENGIE, may own and operate gas transmission or distribution

systems for reasons of national energy security.

With respect to Investment liberalisationâ National treatment and Cross-border trade in services

â Local presence:

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In BE: For bulk storage services of gas, regarding the types of legal entities and the treatment of public or private operators to whom Belgium has conferred exclusive rights. Establishment is

required within the Union for bulk storage services of gas (part of CPC 742).

In BG: For pipeline transportation, storage and warehousing of petroleum and natural gas, including transit transmission (CPC 71310, part of CPC 742).

In PT: For the cross-border supply of storage and warehousing services of fuels transported through pipelines (natural gas).

Also, concessions relating to the transmission, distribution and underground storage of natural gas and the reception, storage and regasification terminal of LNG are awarded

through contracts concession, following public calls for tenders (CPC 7131, CPC 7422).

With respect to Cross-border trade in services â Local presence:

In BE: The pipeline transport of natural gas and other fuels is subject to an authorisation requirement. An authorisation may only be granted to a natural or juridical person established in a Member State (in accordance with Article 3 of the AR of 14 May 2002).

Where the authorisation is requested by a company:

(a) the company must be established in accordance with Belgian law, or the law of another Member State, or the law of a third country, which has undertaken commitments to maintain a regulatory framework similar to the common requirements specified in Directive 98/30/EC of

the European Parliament and the Council"!; and

(b) the company must hold its administrative seat, its principal establishment or its head office within a Member State, or a third country, which has undertaken commitments to maintain a regulatory framework similar to the common requirements specified in Directive 98/30/EC, provided that the activity of this establishment or head office represents an effective and continuous link with the economy of the country concerned (CPC 7131).

In BE: In general the supply of natural gas to customers (customers being both distribution

u Directive 98/30/EC of the European Parliament and the Council of 22 June 1998 concerning common

rules for the internal market in natural gas (OJ L 204, 21.7.1998, p. 1). 716

companies and consumers whose overall combined consumption of gas arising from all points of supply attains a minimum level of one million cubic metres per year) established in Belgium is subject to an individual authorisation provided by the minister, except where the supplier is a distribution company using its own distribution network. Such an authorisation may only be granted

to natural or legal persons of the European Union.

With respect to Cross-border trade in services â Local presence:

In CY: For the cross-border supply of storage and warehousing services of fuels transported through pipelines, and the retail sales of fuel oil and bottled gas other than by mail order (CPC 613, CPC 62271, CPC 63297, CPC 7131, CPC 742).

Existing measures:

BE: ArrÃ©tÃ© Royal du 14 mai 2002 relatif a l'autorisation de transport de produits gazeux et autres par canalisations; and

Loi du 12 avril 1965 relative au transport de produits gazeux et autres par canalisations (article 8.2). BG: Energy Act.

CY: The Regulation of the Electricity Market Law of 2003, Law 122(1/2003 as amended;

The Regulating of the Gas Market Laws of 2004, Law 183(1)/2004 as amended;

The Petroleum (Pipelines) Law, Chapter 273 ;

The Petroleum Law Chapter 272 as amended; and

The Petroleum and Fuel Specifications Laws of 2003, Law 148(1)/2003 as amended.

FI: Maakaasumarkkinalaki (Natural Gas Market Act) (587/2017).

FR: Code de l'Ã©nergie.

HU: Act XVI of 1991 about Concessions.

LT: Law on Natural Gas of the Republic of Lithuania of 10 October 2000 No VIH-1973.

PT: Decree-Law 230/2012 and Decree-Law 231/2012, 26 October - Natural Gas; Decree-Law 215- A/2012, and Decree-Law 215-B/2012, 8 October â Electricity; and Decree-Law 31/2006, 15 February â Crude oil/Petroleum products.

(d) Nuclear (ISIC Rey. 3.1 12, 3.1 23, 120, 1200, 233, 2330, 40, part of 4010, CPC 887))

With respect to Investment liberalisationâ National treatment, Senior management and boards of

directors and Cross-border trade in services â National treatment:

In DE: For the production, processing or transportation of nuclear material and generation or

distribution of nuclear-based energy.

With respect to Investment liberalisationâ National treatment and Cross-border trade in services

â National treatment:

In AT and FI: for the production, processing distribution or transportation of nuclear material and

generation or distribution of nuclear-based energy.

In BE: For the production, processing or transportation of nuclear material and generation or

distribution of nuclear-based energy.

With respect to Investment liberalisationâ National treatment, Senior management and boards of

directors, Performance requirements:

In HU and SE: For the processing of nuclear fuel and nuclear-based electricity generation.

With respect to Investment liberalisation â National treatment, Senior management and boards of

directors:

In BG: For the processing of fissionable and fusionable materials or the materials from which they are derived, as well as to the trade therewith, to the maintenance and repair of equipment and systems in nuclear energy production facilities, to the transportation of those materials and the

refuse and waste matter of their processing, to the use of ionising radiation, and on all other services

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relating to the use of nuclear energy for peaceful purposes (including engineering and consulting

services and services relating to software etc.).

With respect to Investment liberalisationâ National treatment:

In FR: The manufacturing, production, processing, generation, distribution or transportation of

nuclear material must respect the obligations of an Euratom Agreement.

Existing measures:

AT: Bundesverfassungsgesetz fiir ein atomfreies Osterreich (Constitutional Act for a Non-nuclear Austria) BGBI. I Nr. 149/1999.

BG: Safe Use of Nuclear Energy Act.

FI: Ydinenergialaki (Nuclear Energy Act) (990/1987).

HU: Act CXVI of 1996 on Nuclear Energy; and Government Decree Nr. 72/2000 on Nuclear Energy.

SE: The Swedish Environmental Code (1998:808); and Law on Nuclear Technology Activities (1984;3).

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Reservation No. 22 - Other services not included elsewhere

Sector: Other services not included elsewhere

Industry classification: CPC 9703, part of CPC 612, part of CPC 621, part of CPC 625, part of 85990

Type of reservation:

National treatment

Senior management and board of directors

Performance requirements

Local presence

Chapter Chapter: Investment Liberalisation and Cross-border Trade In Services Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

(a) Funeral, cremation services and undertaking services (CPC 9703)

With respect to Investment liberalisationâ National treatment:

In FI: Cremation services and operation/maintenance of cemeteries and graveyards can only be performed by the state, municipalities, parishes, religious communities or non-profit foundations or

societies.

With respect to Investment liberalisationâ National treatment, Senior management and boards of

directors and Cross-border trade in services â National treatment, Local presence:

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In DE: Only legal persons established under public law may operate a cemetery. The creation and

operation of cemeteries and services related to funerals.

In PT: Commercial presence is required to provide funeral and undertaking services. EEA

nationality is required in order to become a technical manager for entities providing funeral and

undertaking services.

In SE: Church of Sweden or local authority monopoly on cremation and funeral services.

In CY, SI: Funeral, cremation and undertaking services.

Existing measures:

FI: Hautaustoimilaki (Act on Burial Service) (457/2003).

PT: Decree-Law 10/2015, of 16 January alterado p/ Lei 15/2018, 27 marco.

SE: Begravningslag (1990:1144) (Act of Burials); BegravningsfÃ©rordningen (1990:1147)

(Ordinance of Burials).

(b) New services

With respect to Investment liberalisation âNational treatment, Senior management and boards of

directors, Performance requirements and Cross-border trade in services âNational treatment,

Local presence:

In the EU: For the provision of new services other than those classified in the United Nations

Provisional Central Product Classification (CPC), 1991.

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Chileâs offer

Without Prejudice

Chileâs note: This initial offer text is without prejudice to Chileâs right to amend, withdraw or modify its contents in any manner and at any moment before the conclusion of the EU-

CL modernisation negotiations.

Sector:

Sub-Sector:

Obligations Concerned:

Description:

ANNEX IT

SCHEDULE OF CHILE

National Treatment (Investment)

Most-Favoured-Nation Treatment (Investment)

Investment

Chile reserves the right to adopt or maintain any measure relating to the ownership or control of land within five kilometres of the coastline that is used for agricultural

activities. Such measure could include a requirement that the

Existing Measures:

majority of each class of stock of a Chilean juridical person that seeks to own or control such land be held by Chilean persons or by persons residing in Chile for 183 days or more

per year.

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 adquisiciÃ©n,

administracion y disposicion de bienes del Estado, Titulo 1)

Sector:

Sub-Sector:

Obligations Concerned:

Description:

Existing Measures:

National Treatment (Investment)

Senior Management and Boards of Directors (Investment)

Investment

In the transfer or disposal of any interest in stock or asset held in an existing state enterprise or governmental entity, Chile reserves the right to prohibit or impose limitations on the ownership of said interest or asset and on the right of foreign investors or their investments to control any State company created thereby or investments made by the same. In connection with any such transfer or disposal, Chile may adopt or maintain any measure related to the nationality of senior management and members of the board of directors.

A âState companyâ!

shall mean any company owned or controlled by Chile by means of an interest share in the ownership thereof, and it shall include any company created after the entry into force of this Agreement for the sole purpose of selling or disposing of its interest share in the capital or assets of an existing state enterprise or

governmental entity.

! A list of existing state enterprises in Chile can be found on the following website: http://www.dipres.gob.cl.

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Sector:

Sub-Sector:

Obligations Concerned:

Description:

Existing Measures:

Most-Favoured-Nation Treatment (Investment and CBTS)

Investment and Cross-Border Trade in Services

Chile reserves the right to adopt or maintain any measure that accords differential treatment to countries under any bilateral or multilateral international agreement in force on, or signed

prior to, the date of entry into force of this Agreement.

Chile reserves the right to adopt or maintain any measure that accords differential treatment to countries under any international agreement in force or signed after the date of entry into force of this Agreement involving:

(a) aviation;

(b) fisheries; or

Sector:

Sub-Sector:

Obligations Concerned:

Description:

Existing Measures:

Communications

Satellite broadcasting of digital telecommunication services.

Local Presence (CBTS)

Cross-Border Trade in Services

Chile reserves the right to adopt or maintain any measure related to cross-border trade in one way satellite broadcasting

of digital telecommunication services.

Law 18.168, Official Gazette, October 2, 1982, General

Telecommunications Law, Titles I, II, I, V and VI (Ley 18,168, Diario Oficial, octubre 2, 1982, Ley General de

Telecomunicaciones, Titulos I, If, HI, Vy VID

Sector:

Sub-Sector:

Obligations Concerned:

Description:

Existing Measures:

Communications

Satellite broadcasting of digital telecommunication services,

National Treatment (Investment) Most-Favoured-Nation Treatment (Investment) Performance Requirements (Investment)

Senior Management and Boards of Directors (Investment)

Investment

Chile reserves the right to adopt or maintain any measure related to the investors of another Party or to their investments in one way satellite broadcasting of digital telecommunication

services,

Law 18.168, Official Gazette, October 2, 1982, General

Telecommunications Law, Titles I, II, I, V and VI (Ley 18,168, Diario Oficial, octubre 2, 1982, Ley General de Telecomunicaciones, Titulos I, If, HI, Vy VID

Sector: Issues Involving Minorities

Sub-Sector:

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

Description: Investment and Cross-Border Trade in Services Chile reserves the right to adopt or maintain any measure according rights or preferences to socially or economically

disadvantaged minorities.

Existing Measures:

Sector: Issues Involving Indigenous Peoples

Sub-Sector:

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

Description: Investment and Cross-Border Trade in Services

Chile reserves the right to adopt or maintain any measure

according rights or preferences to indigenous peoples.

Existing Measures:

Sector:

Sub-Sector:

Obligations Concerned:

Science and Technology

Science, Technology and Innovation

Performance Requirements (Investment)

Description:

Existing Measures:

Investment

Chile reserves the right to adopt or impose a requirement or enforce a commitment or undertaking in connection with the establishment or operation of an enterprise or any investment of an investor of the European Union or any Non-Party for achieving a given level or value of research and development in

its territory.

For greater certainty, for publicly funded research and development (R & D) projects whether partially or totally funded by any governmental entity, Chile reserves the right to adopt or impose measures, requirements, limitations or enforce commitments regarding technology transfer or for achieving a given level of R & D in its territory.

Sector:

Sub-Sector:

Obligations Concerned:

Description:

Education

National Treatment (Investment and CBTS) Most-Favoured-Nation Treatment (Investment and CBTS) Performance Requirements (Investment)

Senior Management and Boards of Directors (Investment) Local Presence (CBTS)

Investment and Cross-Border Trade in Services

Chile reserves the right to adopt or maintain any measure

relating to:

(a) investors and an investment of an investor of

another Party in education; and

(b) natural persons who supply educational services in Chile.

Subparagraph (b) includes teachers and auxiliary personnel supplying educational services in pre-school, kindergarten, special education, elementary, secondary or higher education, professional, technical or university education, and all other persons that supply services related to education, including sponsors of educational institutions of any kind, schools, lyceums, academies, training centres, professional and

technical institutes or universities.

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Existing Measures:

Sector:

Sub-Sector:

Obligations Concerned:

Description:

Existing Measures:

This reservation does not apply to investors and an investment of an investor of another Party in kindergarten, pre-school, elementary or secondary private education institutions, that do not receive public resources, or to the supply of services related to second-language training, corporate, business, and industrial training and skill upgrading, which include consulting services relating to technical support, advice,

curriculum, and programme development in education.

Government Finances

National Treatment (Investment)

Investment

Chile reserves the right to adopt or maintain any measure related to the acquisition, sale or disposal by another Partyâs nationals of bonds, treasury securities or any other type of debt instruments issued by the Central Bank of Chile (Banco Central de Chile) or the Government of Chile. This entry is not intended to affect the rights of another Partyâs financial institutions (banks) established in Chile to acquire, sell or dispose of such instruments when required for the purposes of

regulatory capital.

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Sector:

Sub-Sector:

Obligations Concerned:

Description:

Existing Measures:

Fisheries

Fishing related activities

National Treatment (Investment and CBTS) Most-Favoured-Nation Treatment (Investment and CBTS)

Investment and Cross-Border Trade in Services

Chile reserves the right to control the activities of foreign fishing, including fish landing, first landing of fish processed at sea and access to Chilean ports (port privileges).

Chile reserves the right to control the use of beaches, land adjacent to beaches (terrenos de playas), water-columns (porciones de agua) and sea-bed lots (fondos marinos) for the issuance of maritime concessions. For greater certainty,

âmaritime concessionsâ do not cover aquaculture.

Decree Law 2.222, Official Gazette, May 31, 1978, Navigation Law, Titles I, I, HI, IV and V (Decreto Ley 2.222, Diario Oficial, mayo 31, 1978, Ley de NavegaciÃ©n Titulos I, I, Hil, IVy V)

D.F.L. 340, Official Gazette, April 6, 1960, about Maritime Concessions (D.F.L. 340, Diario Oficial, abril 6, 1960, sobre Concesiones Maritimas)

Supreme Decree 660, Official Gazette, November 28, 1988, Maritime Concession Act (Decreto Supremo 660, Diario Oficial, noviembre 28, 1988, Reglamento de Concesiones

Maritimas)

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Supreme Decree 123 of the Ministry of Economic Affairs, Development and Reconstruction, Vice-Ministry of Fishing, Official Gazette, August 23, 2004, On Use of Ports (Decreto Supremo 123 del Ministerio de Economia, Fomento y Reconstruccion, Subsecretaria de Pesca, Diario Oficial,

agosto 23, 2004, Sobre Uso de Puertos)

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Sector:

Sub-Sector:

Obligations Concerned:

Description:

Article Arts and Cultural Industries Most-Favoured-Nation Treatment (Investment and CBTS)

Investment and Cross-Border Trade in Services

Chile reserves the right to adopt or maintain any measure that accords differential treatment to countries under any existing or future bilateral or multilateral international agreement, with respect to arts and cultural industries, such as audio-visual

cooperation agreements. For greater certainty, government supported subsidy programmes for the promotion of cultural activities are not

subject to the limitations or obligations of this Agreement.

For the purposes of this entry, âarts and cultural industriesâ

includes:

(a) books, magazines, periodical publications, or printed or electronic newspapers, excluding the printing and typesetting of any of the foregoing;

(b) recordings of movies or videos;

(c) music recordings in audio or video format;

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Existing Measures:

(d)

(e)

(f)

(g)

printed music scores or scores readable by

machines;

visual arts, artistic photography and new

media;

performing arts, including theatre, dance and

circus arts; and

media services or multimedia.

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Sector:

Sub-Sector:

Obligations Concerned:

Description:

Existing Measures:

Entertainment and Broadcasting Services

National Treatment (Investment and CBTS) Most-Favoured-Nation Treatment (Investment and CBTS)

Performance Requirements (Investment)

Investment and Cross-Border Trade in Services

Chile reserves the right to adopt or maintain any measure

relating to:

(a) the organisation and presentation in Chile of concerts and musical performances;

and

(b) radio broadcasts aimed at the public in general, as well as all radio, television and cable television-related activities, satellite programming services and broadcasting

networks.

Notwithstanding the above, Chile shall extend to the persons and investors of another Party, and their investments, treatment no less favourable than that Party accords persons and investors

of Chile, and their investments.

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Sector: Social Services

Sub-Sector:

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

Local Presence (CBTS)

Description: Investment and Cross-Border Trade in Services

Chile reserves the right to adopt or maintain any measure with respect to the supply of public law enforcement and correctional services, and the following services to the extent that they are social services established or maintained for reasons of public interest: income security or insurance, social security or insurance, social welfare, education, public

training, health care and child care.

Existing Measures:

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Sector:

Sub-Sector:

Obligations Concerned:

Description:

Existing Measures:

Environmental Services

National Treatment (CBTS) Most-Favoured-Nation Treatment (CBTS) Local Presence (CBTS)

Cross-Border Trade in Services

Chile reserves the right to adopt or maintain any measure imposing the requirement that the production and distribution of drinking water, the collection and disposal of waste water and sanitation services, such as sewage systems, waste disposal and waste water treatment may only be supplied by juridical persons incorporated under Chilean law or created in

accordance with the requirements established by Chilean law.

This entry shall not apply to consultancy services retained by

the said juridical persons.

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Sector:

Sub-Sector:

Obligations Concerned:

Description:

Existing Measures:

Construction Services

National Treatment (CBTS) Local Presence (CBTS)

Cross-Border Trade in Services Chile reserves the right to adopt or maintain any measure with respect to the supply of construction services by foreign

juridical persons or legal entities.

These measures may include requirements such as residency,

registration or any other form of local presence.

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Sector:

Sub-Sector:

Obligations Concerned:

Description:

Transportation

International road transportation

National Treatment (Investment and CBTS) Most-Favoured-Nation Treatment (Investment and CBTS) Local Presence (CBTS)

Investment and Cross-Border Trade in Services

Chile reserves the right to adopt or maintain any measure relating to the international land transportation of cargo or

passengers in border areas.

Additionally, Chile reserves the right to adopt or maintain the following limitations for the supply of international land transportation from Chile:

(a) the service supplier must be a Chilean natural or

juridical person;

(b) the service supplier must have a real and

effective domicile in Chile; and

(c) in the case of juridical persons, the service supplier must be legally constituted in Chile and more than 50 per cent of its capital stock must be owned by Chilean nationals and its effective control must be by Chilean nationals.

20

Existing Measures:

21

Sector:

Sub-Sector:

Obligations Concerned:

Description:

Transportation Services

Road transportation services

National Treatment (CBTS)

Cross-Border Trade in Services

Chile reserves the right to adopt or maintain any measure that authorises only Chilean natural or juridical persons to supply land transportation of persons or merchandise inside the

territory of Chile (cabotage). For this, the enterprises shall

use vehicles registered in Chile.

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Chileâs offer Without Prejudice

Chileâs note: This initial offer text is without prejudice to Chileâs 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 TIT CHILE SCHEDULE OF SPECIFIC COMMITMENTS AND LIMITATIONS ON MARKET ACCESS

Annex III Limitations on market access

Sector or subsector Limitations on Market Access

No. 1 All sectors

a) State company In the transfer or disposal of any interest in stock or asset held in an existing state enterprise or governmental entity, Chile reserves the right to prohibit or impose limitations on the ownership of said interest or asset and on the right of investors or their investments to control any State

company created thereby or investments made by the same.

A âState companyâ shall mean any company owned or controlled by Chile by means of an interest share in the ownership thereof, and it shall include any company created after the entry into force of this Agreement for the sole purpose of selling or disposing of its interest share in the

capital or assets of an existing state enterprise or governmental entity.

b) Public Utilities

Public utilities exist in sectors such as related scientific and technical consulting services, research and development (R&D) services on social sciences and humanities, technical testing and analysis services, water services and treatment, sewage, environmental services, health services, transport services and services auxiliary to all modes of transport. Exclusive rights on those services are often granted to private operators, for instance operators with concessions from public authorities, subject to specific service obligations. This reservation does not apply to

telecommunications and to computer and related services.

c) Acquisition of real estate

In Chile unbound for the acquisition of âState Landâ, âthe borderland Zoneâ and any land within five kilometers of the coastline that is used for agricultural activities as indicated in Annexes I and IL

Any Chilean natural person or person residing in Chile or a Chilean juridical person shall be able to acquire or control lands used for agricultural activities. Chile reserves the right to adopt or maintain any

measures related to the ownership or control of such lands.

d) Commercial Presence

This Schedule shall not apply to representative offices.

e) Indigenous peoples

Chile reserves the right to adopt or maintain any measure regarding Indigenous peoples.

f) Disadvantaged

minorities

Chile reserves the right to adopt or maintain any measure according rights

or preferences to socially or economically disadvantaged minorities.

Sector or subsector

Limitations on Market Access

No. 2 Manufacturing

Manufacturing excluding services (ISIC rev. 3.115, 17, 18, 19, 20, 21, 26, 27, 28, 30, 31, 32, 33, 34, 35, 36, except for, 16, 22, 24, 25, 29,31, 37).

None

Manufacturing ISIC rev. 3.1 Division 16: Manufacture of

tobacco products

Unbound

Manufacturing ISIC rev. 3.1 Division 22 Publishing, printing and reproduction of

recorded media.

None, except for

222 Printing and service activities related to printing: unbound for

services activities related to printing

Manufacturing ISIC rev. 3.1

Division 24: Manufacture of chemicals and chemical products

Specific types of legal entities to carry out the economic activity may apply for:

241 Manufacture of basic chemicals 242 Manufacture of other chemical products

Manufacturing ISIC rev. 3.1 Division 25: Manufacture of rubber and plastics products

Specific types of legal entities to carry out the economic activity may apply for:

251 Manufacture of rubber products

252 Manufacture of plastics products

Manufacturing ISIC rev. 3.1 Division 29 Manufacture of machinery and equipment

Nâ¬.c,

None, except for

2927 Manufacture of weapons and ammunition: Unbound

Manufacturing ISIC rev. 3.1 Division 31: Manufacture of electrical machinery and

apparatus n.e.c

Specific types of legal entities to carry out the economic activity may apply for: 311 Manufacture of electric motors, generators and transformers

314 Manufacture of accumulators, primary cells and primary batteries

Manufacturing ISIC rev. 3.1

Division 37 Recycling

Specific types of legal entities to carry out the economic activity may apply for:

371 Recycling of metal waste and scrap

372 Recycling of non-metal waste and scrap

Sector or subsector

Limitations on Market Access

No. 3 Â£4Mining = and

Quarrying

a) Mining and quarrying excluding services (ISIC rev 3.1 10, 11, 12, 13, 14)

Unbound for: Division 11 Extraction of crude petroleum and natural gas; service activities incidental to oil and gas extraction

Division 12 Mining of Uranium and Thorium ores

The exploration, exploitation, and treatment (beneficio) of lithium, 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

Furthermore, only the Chilean Nuclear Energy Commission (ComisiÃ©n Chilena de Energia 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 or subsector Limitations on Market Access No. 4 Agriculture

Agriculture and Hunting, None

excluding services

CISIC rev 3.1 A 01).

Forestry excluding services | None

(ISIC rev 3.1 A 02)

For greater certainty, a management plan approved by the Forestry

Commission is required.

Sector or subsector

Limitations on Market Access

No. 5 Energy

Electricity generation and distribution (ISIC rev.3.1 E

a) None, except for Production, transmission, and distribution of electricity for the National Electric System (Sistema

ElÃ©ctrico Nacional). The following limitations shall apply:

40, 401, 4010) excluding

services

Only a specific type of public corporations, open or closed (sociedad anÃ©nima abierta o cerrada) incorporated in Chile is authorized to operate concessions in energy distribution. Such corporationâs exclusive line of

business must be energy distribution.

Only a specific type of public corporations, open or closed (sociedad andnima abierta o cerrada) incorporated in Chile is authorized to operate concessions in energy transmission for the National Transmission system. Such corporationâs exclusive line of business must be energy

transmission.

Hydroelectrical energy production may be exploited through concessions. Only juridical persons established in accordance with Chilean law can apply for such concessions and public bids for obtaining such

concessions.

Exploration or exploitation of geothermal energy is subject to concessions. Only juridical persons established in accordance with Chilean law can apply for such concessions and public bids for obtaining

such concessions.

The production of nuclear energy for peaceful purposes shall only be performed by

the Chilean Nuclear Energy Commission or, with its authorization, in conjunction

with third parties. Should the Commission determine it is advisable to grant such

authorization, it shall also establish the terms and conditions for

operation.

b) Unbound for activities of electric power brokers or agents that arrange

the sale of electricity via power distribution systems operated by others.

No. 6 Fishing

Fishing, operation of fish hatcheries and fish farms,

excluding services

(ISIC rev 3.1 B 05)

Unbound.

No. 7 Services

Legal services

(part of CPC 861)

With respect to Investment and Cross-Border Trade in Services:

Legal services:

(1) and (3) None, except in the case of receivers in bankruptcy (sindicos de quiebra) who must be duly authorised by the Minister of Justice (Ministerio de Justicia), and they can only work in the place where they reside.

(2) None

Accounting, auditing, and bookkeeping services (CPC 86211)

For (1) and (3): None, except the external auditors of financial institutions must be inscribed in the Register of External

Auditors of the Superintendence of Banks and Financial Institutions (Superintendencia de Bancos e Instituciones Financieras) and in the Superintendence of Securities and Insurance (Superintendencia de Valores y Seguros). Only firms legally incorporated in Chile as partnerships (sociedades de personas) or associations (asociaciones), and whose main line of business is auditing services, may be inscribed in the Register. For (2):

None.

Taxation Services (CPC 863)

(1), (2), and (3): None.

Architectural services

(CPC 8671)

(1), (2) and (3) None

Engineering services (CPC 8672)

(1), (2) and (3) None

Integrated engineering services

(CPC 86733)

(1), (2) and (3) None

Urban planning and landscape architectural service

(CPC 8674)

(1), (2) and (3) None

Veterinary services (CPC 932)

(1), (2), and (3) None.

Services provided by midwives, nurses, physiotherapists and paramedical personnel (CPC 93191)

(1), (2), and (3) None.

Computer related services (CPC 841, 842, 843, 844 and 845)

(1), (2), and (3) None.

Interdisciplinary Research and Development services, Research and Development services on natural sciences, and Related scientific and technical consulting services (part of CPC 851

part of CPC 853 and

part of CPC 86751)

(1), (3) None except: Any exploration of a scientific or technical nature, or related to mountain climbing (andinismo), that legal or natural persons domiciled abroad intend to carry out in border areas need to be authorized and supervised by the Directorate of Borders and Frontiers (DirecciÃ©n de Fronteras y Limites del Estado). The Directorate of Borders and Frontiers may stipulate that an expedition include one or more representatives of relevant Chilean activities. These representatives would participate in

and learn about the studies and their scope.

(2) None

Research and Development services on social sciences and humanities,

(CPC 852)

(1), (2) and (3) None

RealEstate ___ services: involving owned or leased property or on a fee or contract basis

(CPC 821 and 822)

(1), (2), and (3) None.

Rental/leasing services without crew/operators, related to vessels, other transport equipment and Relating to other machinery

and equipment (CPC 8310, except 83104)

(1), (2), and (3) None.

Leasing or rental services concerning aircraft (without operator)

(CPC 83104)

(1), (2), and (3) None.

Advertising services

(CPC 871)

(1), (2), and (3) None.

Market research and public opinion polling services

(CPC 864)

(1), (2), and (3) None.

Management consulting services

(CPC 865)

(1), (2), and (3) None.

Services related to management consulting

(CPC 866 except 86602)

(1), (2), and (3) None.

Technical testing and analysis services (CPC 8676)

(1), (2), and (3) None.

Services related to agriculture, hunting and

forestry (CPC 881)

(1), (2), and (3) None.

Services related to mining (CPC 883)

(1), (2), and (3) None.

Placement and supply

services of personnel

(1), (2), and (3) None.

(CPC 87201, 87202, 87203)

Investigation and security (1), (2), and (3) None. services

(CPC 87302, 87303, 87304,

87305)

Maintenance and repair of | (1), (2), and (3) None. equipment (not including

vessels, aircraft, or other

transport equipment)

(CPC 633)

Building-cleaning services (1), (2), and (3) None. (CPC 874)

Photographic services (1), (2), and (3) None. (CPC 875)

Packing services(CPC 876) | (1), (2), and (3) None. Credit reporting services, | (1), (2), and (3) Unbound. collection agency services

(CPC 87901, 87902)

Telephone answering | (1), (2), and (3) None. services

(CPC 87903)

Duplicating services (1), (2), and (3) None. (CPC 87904)

Translation and | (1), (2), and (3) None, except official translations, official certifications

interpretation services

of translations, and certified copies of official documents in foreign

(CPC 87905) languages may only be provided by Official translators registered under Chilean authorities. Mailing list compilation and | (1), (2), and (3) None .

mailing services

(CPC 87906)

Specialty design services (1), (2), and (3) None.

(CPC 87907)

Other business services | (1), (2), and (3) Unbound.

ne.C.

(CPC 87909)

Printing and publishing | (1), (2), and (3) None.

services:

(CPC 88442)

Convention services (1), (2), and (3) None.

(CPC 87909)

Postal services (1), (2), and (3) Unbound.

(CPC 7511)

Courier services (1), (2), (3) ~~ None, except:

(CPC 7512) That under Decreto Supremo NÂ° 5037 of 4 November 1960 of the Ministry Services relating to the | of Internal Affairs (âMinisterio del Interiorâ) and Decreto con Fuerza de

handling! of postal items? according to the following list of sub-sectors, whether for domestic or foreign destinations:

(i) Handling of addressed written communications on any kind of

mediumâ, including

physical

- Hybrid mail service - Direct mail (ii) Handling of addressed

parcels and packages*

Ley NÂ°10 of 30 January 1982 of the Ministry of Transports and Telecommunications (âMinisterio de Transporte y Telecomunicacionesâ) or its successors, the State of Chile may exercise, through the Empresa de Correos de Chile, a monopoly on the admission, transport and delivery of postal items (âobjetos de correspondenciaâ). Postal items shall mean: letters, simple and postage-paid postcards, business papers, newsletters and printed matters of all kinds, including printed matter in Braille, merchandise samples, small packages up to one kilo [kilogram?] and special postal service consisting in the recording and delivery of sound

messages (fonos postales).

' The term âhandlingâ should be taken to include admission (âadmisiÃ©n"), transport (âtransporteâ) and delivery (âentregaâ). 2 âPostal itemâ refers to items handled by any type of commercial operator, whether public or private.

3 Big. letter, postcards,

4 Books, catalogues are included hereunder.

(ii) Handling of addressed press products*

(iv) Handling of items teferred to in (i) to (iii) above as registered or insured mail

(v) Express delivery servicesÂ® for items referred to in (i) to (iii) above

(vi) Handling of non- addressed items

(vii) Other services not

elsewhere specified

International long-distance | (1), (2), and (3) None. telecommunications

services:

Local basic | (1), (2), and (3) None. telecommunication services and networks, intermediate telecommunications

services, supplementary telecommunications

services, and limited

telecommunications services

Construction services (1), (2), and (3) Unbound. (CPC 511, 512, 513, 514, 515, 516, 517 and 518)

5 Journals, newspapers, periodicals. 6 Express delivery services may include, in addition to greater speed and reliability, value added elements such as collection from point of

origin, personal delivery to addressee, tracing and tracking, possibility of changing the destination and addressee in transit, confirmation. of receipt.

Commission agentâs

services

(CPC 621)

(1), (2), and (3) None.

Wholesale trade services (CPC 622)

(CPC 61111)

(CPC 6113)

(CPC 6121)

(1), (2), and (3) None.

Retailing services (CPC 632)

(CPC 61111) (CPC 6113) (CPC 6121)

(1), (2), and (3) None.

Franchising (CPC 8929)

(1), (2), and (3) None.

Environmental Services

(CPC 940)

(1), (2), and (3) Unbound, except for consultancy services.

Education services (CPC 92)

(1), (2), and (3) Unbound.

Health services â hospital, ambulance, residential health services

(CPC 93, 931 other than 9312, part 93191, 9311, 93192, 93193, 93199)

(1), (2), and (3) Unbound.

Health and social services,

including pension insurance

(1), (2), and (3) Unbound.

Social services, including

pension insurance

(1), (2), and (3) Unbound.

Hotels and restaurants

(including catering)

(1), (2), and (3) None.

(CPC 641, 642 and 643)

Travel agencies and tour | (1), (2), and (3) None. operators services

(CPC 74710)

Tourist guide services (1), (2), and (3) None. (CPC 74720)

Entertainment services | (1), (2), and (3) None. (including theatre, live

bands and circus services)

(CPC 9619)

Libraries, archives, museums | (1), (2), and (3) None. and other cultural services

(CPC 963)

Entertainment services, | (1), (2), and (3) Unbound. theatre, live bands and circus

services

(CPC 9619, 964 other than

96492)

News agency services (1), (2), and (3) Unbound. (CPC 962)

Sporting and other Recreational Services (CPC 9641)

1), 2) and 3) None, except that a specific type of legal entity may be required for sporting organisations that develop professional activities. In addition, on a National Treatment basis: i) it is not permitted to participate with more than one team in the same category of a sport competition, ii) specific regulations may be established on equity ownership in sporting

companies; iii) minimal capital requirement may be imposed.

Gambling and betting

services

(1), (2), and (3) Unbound.

(CPC 96492)

Other recreational services nec.

(CPC 96499)

(1), (2), and (3) None.

Maritime Transport Services

(CPC 721)

a. Passenger transportation

(CPC 7211)

b. Freight transportation

(CPC 7212)

Loading and unloading services

(CPC 741)

Storage and warehouse services

(CPC 742)

c. Rental/Leasing of vessels including crew

(CPC 7223)

d. Maintenance and repair of vessels

(CPC 8868)

e. Pushing and towing services

(CPC 72140)

f. Support services related to maritime transport

(CPC 745)

(1) None

(2) None

(3)

(a) Establishment of registered company for the purpose of operating a fleet under the national flag of Chile: Unbound.

(b) Other forms of commercial presence for the supply of international

maritime transport servicesâ None:

Internal Waterways Transport (CPC 722)

(1), (2), and (3) Unbound.

7 âOther forms of commercial presence for the supply of international maritime transport servicesâ means the ability of international maritime transport service suppliers of the other Party to undertake locally all activities which are necessary for the supply to their customers of a partially or fully integrated transport service within which the maritime transport constitutes a substantial element. (This

Rail transport and auxiliary | (1), (2), and (3) Unbound.

services to rail transport

Road transport _ services: | (1), (2), (3) None Freight Transportation

(CPC 7123)

Road transport _ services: | (1) None Rental of commercial | (2) None vehicles with operator (3) None (CPC 71222 â- Rental services of passenger cars

with operator)

Road transport _ services: | (1) None Maintenance and repair of | (2) None road transport equipment (3) None (CPC 6112 â Maintenance and repair services of motor

vehicles)

Road transport _ services: | (1) None Supporting services for road | (2) None

transport services (3) None

commitment shall not, however, be construed as limiting in any manner the commitments undertaken under the cross-border mode of delivery).

These activities include, but are not limited to:

(a) marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself or by service suppliers with which the service seller has established standing business arrangements,

(b) the acquisition, on their own account or on behalf of their customers (and the resale to their customers) of any transport and related services, including inward transport services by any mode, particularly inland waterways, road and rail, necessary for the supply of the integrated services;

(c) the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;

(d) the provision of business information by any means, including computerised information systems and electronic data interchange (subject to the provisions of this Agreement);

(e) the setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally (or, in the case of foreign personnel, subject to the horizontal commitment on movement of personnel) with any locally established shipping agency;

(f) acting on behalf of the companies, organising the call of the ship or taking over cargoes when required.

(CPC 7441 â- Bus station

services)

Services auxiliary to all modes of transport: Cargo handling services

(CPC 741)

(1) None (2) None (3) None

Services auxiliary to all modes of transport: Storage and warehouse services (CPC 742)

(1) None (2) None (3) None

Services auxiliary to all modes of transport: Freight transport agency services (CPC 748)

(1) None (2) None (3) None

Pipeline transport:

transportation of fuels and

1), (2), and (3) None, except that the service has to be supplied by juridical

persons established under Chilean law and the supply of the service may

other goods be subject to a concession on a national treatment basis. (CPC 7131)

Aircraft repair and | (1) Unbound. maintenance services: (2) and (3) None.

Selling and marketing of air | (1), (2) and (3) None. transport services

Computer reservation | (1), (2) and (3) None. systems (CRS) services

Ground handling services (1), (2) and (3) None. Specialty air services (1), (2), and (3) Unbound. Space transport and rental | (1), (2), and (3) Unbound.

of space craft

ANNEX IV â

BUSINESS VISITORS FOR ESTABLISHMENT PURPOSES, INTRA-CORPORATE TRANSFEREES, INVESTORS AND SHORT-TERM BUSINESS VISITORS

1. <A measure listed in this Annex may be maintained, continued, promptly renewed, or modified, provided that the modification does not decrease the conformity of the measure with Articles X.X [Intra-corporate Transferees and Business Visitors for establishment purposes], X.X [Investors] and X.X [Short-term business visitors], as it existed immediately before the

modification.

2. Articles X.X [Intra-corporate Transferees and Business Visitors for establishment purposes], X.X [Investors] and X.X [Short-term business visitors] do not apply to any existing non-conforming

measure listed in this Annex, to the extent of the non-conformity.

3. In addition to the list of reservations in this Annex, each Party may adopt or maintain a measure relating to qualification requirements, qualification procedures, technical standards, licensing requirements or licensing procedures that does not constitute a limitation within the meaning of Article [Contractual service suppliers and independent professionals]. These measures may include, in particular, the need to obtain a licence, obtain recognition of qualifications in regulated sectors or to pass specific examinations, such as language examinations, to fulfil a membership requirement of a particular profession, such as membership in a professional organisation, or any other non-discriminatory requirements that certain activities may not be carried

out in protected zones or areas. While not listed, such measures continue to apply.

3. | The schedules in paragraphs [x, y and z] apply only to the territories of Chile and the Union in accordance with Article [Institutional â Geographical application] and are only relevant in the context of trade relations between the Union and its Member States with Chile. They do not affect the rights and obligations of the Member States under Union law.

4. For greater certainty, for the Union, the obligation to grant national treatment does not entail the requirement to extend to natural or legal persons of Chile the treatment granted in a Member

1

State, in application of the Treaty on the Functioning of the European Union, or of any measure

adopted pursuant to that Treaty, including their implementation in the Member States, to:

(a) natural persons or residents of another Member State; or

(b) legal persons constituted or organised under the law of another Member State or of the Union and having their registered office, central administration or principal place of business in the

Union.

5. The following abbreviations are used in the paragraphs below:

AT Austria

BE Belgium

BG Bulgaria

CY Cyprus

CZ Czech Republic DE Germany

DK Denmark

EE Estonia

EL _ Greece

ES Spain

EU European Union, including all its Member States FI Finland

FR France

HR Croatia

HU Hungary

IE Ireland

IT Italy

LT Lithuania

LU Luxembourg LV Latvia

MT Malta

NL_ The Netherlands PL Poland

PT Portugal RO Romania SE Sweden SI Slovenia SK Slovak Republic 6. The Union's non-conforming measures are:

Business visitors for establishment purposes

All sectors

AT, CZ: Business visitor for establishment purposes needs to work for an enterprise other than a non-profit organisation, otherwise: Unbound.

SK: Business visitor for establishment purposes needs to work for an enterprise other than a non-profit organisation, otherwise: Unbound. Work permit required, including economic needs test.

CY: Permissible length of stay: up to 90 days in any twelve month period. Business visitor for establishment purposes needs to work for an enterprise

other than a non-profit organisation, otherwise: Unbound.

Intra-corporate transferees

All sectors

AT, CZ, SK: Intra-corporate transferees need to be employed by an enterprise other than a non-profit organisation, otherwise: Unbound.

FI: Senior personnel needs to be employed by an enterprise other than a non-profit organisation.

HU: Natural persons who have been a partner in an enterprise do not qualify

to be transferred as intracorporate transferees.

Trainee employees

AT, CZ, DE, FR, ES, HU, LT: training of the trainee employee must be linked to the university degree which has been obtained.

Short-term business visitors

All short-term

business visitors

CY, DK, HR: Work permit, including economic needs test, required in case the short-term business visitor supplies a service.

LV: Work permit required for operations/activities to be performed on the basis of a contract.

MT: Work permit required. No economic needs tests performed.

SL A single residency and work permit is required for the supply of services exceeding 14 days at a time and for certain activities (research and design; training seminars; purchasing; commercial transactions; translation and interpretation). An economic needs test is not required.

SK: In case of supplying a service in the territory of Slovakia, a work permit, including economic needs test, is required beyond seven days in a

month or 30 days in calendar year.

Installers and

maintainers

AT: Work permit required, including economic needs test. Economic needs test is waived for natural persons training workers to supply services and possessing specialisedge knowledge.

CY Work permit is required beyond seven days in a month or 30 days in calendar year.

CZ : Work permit is required if work exceeds seven consecutive calendar days or a total of 30 days in calendar year.

ES: Work permit required. Installers, repair and maintainers should be employed as such by the legal person supplying the good or service or by an enterprise which is a member of the same group as the originating legal person for at least three months immediately preceding the date of submission of an application for entry and they should possess at least 3 years of relevant professional experience, where applicable, obtained after the age of majority.

FI: Depending on the activity, a residence permit may be required.

SE: Work permit required, except for (i) natural persons who participate in training, testing, preparation or completion of deliveries, or similar activities within the framework of a business transaction, or (ii) fitters or technical instructors in connection with urgent installation or repair of machinery for up to two months, in the context of an emergency. No

economic needs test required.

Investors

All sectors:

AT: Economic needs test.

CY: Maximum stay of 90days within any six month period.

CZ, SK: Work permit, including economic needs test, required in case of investors employed by an enterprise.

DK: Maximum stay of 90days within any six month period. If investors wish to establish a business in Denmark as self-employed, a work permit is required.

FI: Investors need to be employed by an enterprise other than a non- profit organisation, in a position of middle or top management.

HU: Maximum length of stay 90days if the investor is not employed by an enterprise in Hungary. Economic needs test required where the investor is employed by an enterprise in Hungary.

IT: Economic needs test required if the investor is not employed by an enterprise.

LT, NL, PL: The category of investors is not recognised with regard to natural persons representing the investor.

LV: For pre-investment phase maximum length of stay is limited to 90days within any six months period. Extension in post-investment phase to one year, subject to criteria in national legislation such as field and amount of investment made.

SE: Work permit required if investor considered to be employed.

ANNEX V CONTRACTUAL SERVICE SUPPLIERS AND INDEPENDENT PROFESSIONALS

1. Each Party shall allow the supply of services in its territory by contractual service suppliers or independent professionals of the other Party through the presence of natural persons, in accordance with Article X.X [Contractual service suppliers and independent professionals], for the sectors listed in this Annex and subject to the relevant limitations.

2. The list below is composed of the following elements:

(a) the first column indicating the sector or sub-sector for which the category of [contractual

service suppliers and] independent professionals is liberalised; and

(b) the second column describing the applicable limitations.

3. In addition to the list of reservations in this Annex, each Party may adopt or maintain a measure relating to qualification requirements, qualification procedures, technical standards, licensing requirements or licensing procedures that does not constitute a limitation within the meaning of Article [Contractual service suppliers and independent professionals]. These measures may include, in particular, the need to obtain a licence, obtain recognition of qualifications in regulated sectors or to pass specific examinations, such as language examinations, to fulfil a membership requirement of a particular profession, such as membership in a professional organisation, or any other non-discriminatory requirements that certain activities may not be carried

out in protected zones or areas. While not listed, such measures continue to apply. .

4. The Parties do not undertake any commitment for contractual service suppliers and

independent professionals in economic activities which are not listed.

5. In identifying individual sectors and sub-sectors: CPC means the Central Products Classification as set out in Statistical Office of the United Nations, Statistical Papers, Series M, NÂ° 77, CPC prov., 1991.

6. In the sectors where economic needs tests are applied, their main criteria will be the

1

assessment of:

(a) for Chile, the relevant market situation in Chile; and

(b) for the Union, the relevant market situation in the Member State or the region where the service is to be provided, including with respect to the number of, and the impact on, services

suppliers who are already supplying a service when the assessment is made.

7. The schedules in paragraphs [10 to 13] apply only to the territories of Chile and the Union in accordance with Article [Institutional â Geographical application] and are only relevant in the context of trade relations between the Union and its Member States with Chile. They do not affect the rights and obligations of the Member States under Union law.

8. For greater certainty, for the Union, the obligation to grant national treatment does not entail the requirement to extend

to natural or legal persons of Chile the treatment granted in a Member State, in application of the Treaty on the Functioning of the European Union, or of any measure

adopted pursuant to that Treaty, including their implementation in the Member States, to:

(a) natural persons or residents of another Member State; or

(b) legal persons constituted or organised under the law of another Member State or of the Union and having their registered office, central administration or principal place of business in the

Union.

9. The following abbreviations are used in the lists below:

AT Austria

BE Belgium

BG Bulgaria

CY Cyprus

CZ Czech Republic DE Germany

DK Denmark

EE Estonia

EL Greece

ES Spain

EU European Union, including all its Member States FI Finland

FR France

HR Croatia

HU Hungary

TE Ireland

IT Italy

LT Lithuania

LU Luxembourg

LV Latvia

MT Malta

NL_ The Netherlands

PL Poland

PT Portugal

RO Romania

SE Sweden

SI Slovenia

SK Slovak Republic

[CSS Contractual Service Suppliers IP Independent Professionals

Contractual Service Suppliers

10. Subject to the list of reservations in paragraphs [12 and 13], the Parties take commitments in accordance with Article X.X [Contractual service suppliers and independent professionals] with respect to the mode 4 category of Contractual Service Suppliers in the following sectors or sub-

sectors:

List of sectors subject to the outcome of the negotiations (a) Legal services for legal advice in respect of public international law and home jurisdiction

law;

(b) {c) (d) (e) Â® (g) (h) (i) @) (k) @) (m) (n) (0) (p) (q) 1) (s) (t) (u)

(v) (w)

(x) {y) (2) (aa) (bb) (cc) (dd) (ce) (ff) (gg)

Accounting and bookkeeping services;

Taxation advisory services;

Architectural services and urban planning and landscape architectural services; Engineering services and integrated engineering services;

Medical and dental services;

Veterinary services;

Midwives services;

Services provided by nurses, physiotherapists and paramedical personnel; Computer and related services;

Research and development services;

Advertising services;

Market research and opinion polling;

Management consulting services;

Services related to management consulting;

Technical testing and analysis services;

Related scientific and technical consulting services;

Mining;

Maintenance and repair of vessels;

Maintenance and repair of rail transport equipment;

Maintenance and repair of motor vehicles, motorcycles, snowmobiles and road transport equipment;

Maintenance and repair of aircrafts and parts thereof;

Maintenance and repair of metal products, of (non office) machinery, of (non transport and non office) equipment and of personal and household goods;

Translation and interpretation services;

Telecommunication services;

Postal and courier services;

Construction and related engineering services;

Site investigation work;

Higher education services;

Services relating to agriculture, hunting and forestry;

Environmental services;

Insurance and insurance related services advisory and consulting services;

Other financial services advisory and consulting services;

(bh) Transport advisory and consulting services;

(ii) Gi)

Travel agencies and tour operatorsâ services;

Tourist guides services;

(kk) Manufacturing advisory and consulting services.]

Independent Professionals

11.

Subject to the list of reservations in paragraphs [12 and 13], the Parties take commitments in

accordance with Article 4.4 [Contractual service suppliers and independent professionals] with

respect to the mode 4 category of Independent Professionals in the following sectors or sub-sectors:

List of sectors subject to the outcome of the negotiations

(a)

(b) {c) (d) (e) Â® (g) (h) (i) @) (k) @) (m) (n) (0) (p) (q)

12.

Legal services for legal advice in respect of public international law and home jurisdiction law;

Architectural services and urban planning and landscape architectural services; Engineering services and integrated engineering services;

Computer and related services;

Research and development services;

Market research and opinion polling;

Management consulting services;

Services related to management consulting;

Mining;

Translation and interpretation services;

Telecommunication services;

Postal and courier services

Higher education services;

Insurance related services advisory and consulting services;

Other financial services advisory and consulting services;

Transport advisory and consulting services;

Manufacturing advisory and consulting services.

The Union's reservations are:

Sector or sub-sector

Description of reservations

All sectors

CSS:

EU: The number of persons covered by the service contract shall not be larger than necessary to fulfil the contract, as may be required by the laws, regulations or other legal requirements of the Party where

the service is supplied.

Legal services for legal advice in respect of public international law and home jurisdiction law

(part of CPC 861)

CSS:

In AT, BE, CY, DE, EE, EL, ES, FR, HR, IE, IT, LU, NL, PL, PT, SE: None.

In BG, CZ, DK, FI, HU, LT, LV, MT, RO, SI, SK: Economic needs

test.

IP: In AT, CY, DE, EE, FR, HR, IE, LU, LV, NL, PL, PT, SE: None. In BE, BG, CZ, DK, EL, ES, FI, HU, IT, LT, MT, RO, SI, SK:

Economic needs tests.

Accounting and bookkeeping services (CPC 86212 other than "auditing services", 86213,

86219 and 86220)

CSS: In AT, BE, DE, EE, ES, HR, IE, IT, LU, NL, PL, PT, SI, SE: None. In BG, CZ, CY, DK, EL, FI, FR, HU, LT, LV, MT, RO, SK:

Economic needs test.

IP: EU: Unbound.

Sector or sub-sector

Description of reservations

Taxation advisory services

(CPC 863)!

CSS:

In AT, BE, DE, EE, ES, FR, HR, IE, IT, LU, NL, PL, SI, SE: None. In BG, CZ, CY, DK, EL, FI, HU, LT, LV, MT, RO, SK: Economic needs test.

In PT: Unbound.

IP: EU: Unbound.

Architectural services and

Urban planning and landscape architectural services

(CPC 8671 and 8674)

CSS:

In BE, CY, EE, ES, EL, FR, HR, IE, IT, LU, MT, NL, PL, PT, SI, SE: None.

In FI: None, except: The natural person must demonstrate that he or she possesses special knowledge relevant to the service being supplied.

In BG, CZ, DE, HU, LT, LV, RO, SK: Economic needs test.

In DK: Economic needs test, except for CSS stays of up to three months.

In AT: Planning services only, where: Economic needs test.

TP:

In CY, DE, EE, EL, FR, HR, IE, LU, LV, MT, NL, PL, PT, SI, SE: None.

In FI: None, except: The natural person must demonstrate that he or she possesses special knowledge relevant to the service being supplied.

In BE, BG, CZ, DK, ES, HU, IT, LT, RO, SK: Economic needs test.

In AT: Planning services only, where: Economic needs test.

Does not include legal advice and legal representation on tax matters, which is covered under legal

services in respect of public international law and home jurisdiction law.

Sector or sub-sector

Description of reservations

Engineering services and

Integrated engineering services

(CPC 8672 and 8673)

CSS:

In BE, CY, EE, ES, EL, FR, HR, IE, IT, LU, MT, NL, PL, PT, SI, SE: None.

In FI: None, except: The natural person must demonstrate that he or she possesses special knowledge relevant to the service being supplied.

In BG, CZ, DE, HU, LT, LV, RO, SK: Economic needs test.

In DK: Economic needs test, except for CSS stays of up to three months.

In AT: Planning services only, where: Economic needs test.

TP:

In CY, DE, EE, EL, FR, HR, IE, LU, LV, MT, NL, PL, PT, SI, SE: None.

In FI: None, except: The natural person must demonstrate that he or she possesses special knowledge relevant to the service being supplied.

In BE, BG, CZ, DK, ES, HU, IT, LT, RO, SK: Economic needs test.

In AT: Planning services only, where: Economic needs test.

Medical (including psychologists) and dental services

(CPC 9312 and part of 85201)

CSS:

In SE: None.

In CY, CZ, DE, DK, EE, ES, IE, IT, LU, MT, NL, PL, PT, RO, SI: Economic needs test.

In FR: Economic needs test, except for psychologists, where: Unbound.

In AT: Unbound, except for psychologists and dental services, where: Economic needs test.

In BE, BG, EL, FI, HR, HU, LT, LV, SK: Unbound.

IP: EU: Unbound.

Sector or sub-sector

Description of reservations

Veterinary services

(CPC 932)

CSS:

In SE: None.

In CY, CZ, DE, DK, EE, EL, ES, FI, FR, IE, IT, LT, LU, MT, NL, PL, PT, RO, SI: Economic needs test.

In AT, BE, BG, HR, HU, LV, SK: Unbound.

IP: EU: Unbound.

Midwives services

(part of CPC 93191)

CSS:

In IE, SE: None.

In AT, CY, CZ, DE, DK, EE, EL, ES, FR, IT, LT, LV, LU, MT, NL, PL, PT, RO, SI: Economic needs test.

In BE, BG, FI, HR, HU, SK: Unbound.

IP: EU: Unbound.

Services provided by nurses, physiotherapists and paramedical personnel

(part of CPC 93191)

CSS:

In IE, SE: None.

In AT, CY, CZ, DE, DK, EE, EL, ES, FR, IT, LT, LV, LU, MT, NL, PL, PT, RO, SI: Economic needs test.

In BE, BG, FI, HR, HU, SK: Unbound.

IP: EU: Unbound.

Sector or sub-sector

Description of reservations

Computer and related services

(CPC 84)

CSS:

In BE, DE, EE, EL, ES, FR, HR, IE, IT, LU, LV, MT, NL, PL, PT, SI, SE: None.

In FI: None, except: The natural person must demonstrate that he or she possesses special knowledge relevant to the service being supplied.

In AT, BG, CZ, CY, HU, LT, RO, SK: Economic needs test.

In DK: Economic needs test except for CSS stays of up to three

months.

TP:

In DE, EE, EL, FR, IE, LU, LV, MT, NL, PL, PT, SI, SE: None.

In FI: None, except: The natural person must demonstrate that he or she possesses special knowledge relevant to the service being supplied.

In AT, BE, BG, CZ, CY, DK, ES, HU, IT, LT, RO, SK: Economic needs test.

In HR: Unbound.

10

Sector or sub-sector

Description of reservations

Research and development Services

(CPC 851, 852 excluding psychologists servicesâ,

and 853)

CSS:

EU except in NL, SE: A hosting agreement with an approved research organisation is required?.

EU except in CZ, DK, SK: None

In CZ, DK, SK: Economic needs test.

TP:

EU except in NL, SE: A hosting agreement with an approved research organisation is required*.

EU except in BE, CZ, DK, IT, SK: None

In BE, CZ, DK, IT, SK: Economic needs test.

Advertising services

(CPC 871)

CSS: In BE, DE, EE, ES, FR, HR, IE, IT, LU, NL, PL, PT, SI, SE: None. In AT, BG, CZ, CY, DK, EL, FI, HU, LT, LV, MT, RO, SK:

Economic needs test.

IP: EU: Unbound, except NL. In NL: None.

Part of CPC 85201, which is under medical and dental services. For all Member States except DK, the approval of the research organisation and the hosting

agreement must meet the conditions set pursuant to EU Directive 2005/71/EC of 12 October 2005, 4 For all Member States except DK, the approval of the research organisation and the hosting agreement must meet the conditions set pursuant to EU Directive 2005/71/EC of 12 October 2005.

11

Sector or sub-sector

Description of reservations

Market research and opinion polling services

(CPC 864)

CSS:

In BE, DE, EE, ES, FR, IE, IT, LU, NL, PL, SE: None.

In AT, BG, CZ, CY, DK, EL, FI, HR, LV, MT, RO, SL SK: Economic needs test.

In PT: None, except for public opinion polling services (CPC 86402), where: Unbound.

In HU, LT: Economic needs test, except for public opinion polling

services (CPC 86402), where: Unbound.

TP:

In DE, EE, FR, IE, LU, NL, PL, SE: None.

In AT, BE, BG, CZ, CY, DK, EL, ES, FL, HR, IT, LV, MT, RO, SI, SK: Economic needs test.

In PT: None, except for public opinion polling services (CPC 86402), where: Unbound.

In HU, LT: Economic needs test, except for public opinion polling

services (CPC 86402), where: Unbound.

Management consulting services

(CPC 865)

CSS:

In BE, DE, EE, EL, ES, FI, FR, HR, IE, IT, LV, LU, MT, NL, PL, PT, SI, SE: None.

In AT, BG, CZ, CY, HU, LT, RO, SK: Economic needs test.

In DK: Economic needs test, except for CSS stays of up to three

months.

IP:

In CY, DE, EE, EL, FI, FR, IE, LV, LU, MT, NL, PL, PT, SI, SE: None.

In AT, BE, BG, CZ, DK, ES, HR, HU, IT, LT, RO, SK: Economic

needs test.

12

Sector or sub-sector

Description of reservations

Services related to management consulting

(CPC 866)

CSS:

In BE, DE, EE, EL, ES, FI, FR, HR, IE, IT, LV, LU, MT, NL, PL, PT, SI, SE: None.

In AT, BG, CZ, CY, LT, RO, SK: Economic needs test.

In DK: Economic needs test, except for CSS stays of up to three months.

In HU: Economic needs test, except for arbitration and conciliation

services (CPC 86602), where: Unbound.

TP:

In CY, DE, EE, EL, FI, FR, IE, LV, LU, MT, NL, PL, PT, SI, SE: None.

In AT, BE, BG, CZ, DK, ES, HR, IT, LT, RO, SK: Economic needs test

In HU: Economic needs test, except for arbitration and conciliation

services (CPC 86602), where: Unbound.

Technical testing and analysis services

(CPC 8676)

CSS:

In BE, DE, EE, EL, ES, FR, HR, IE, IT, LU, NL, PL, SI, SE: None. In AT, BG, CZ, CY, FI, HU, LT, LV, MT, PT, RO, SK: Economic needs test.

In DK: Economic needs test, except for CSS stays of up to three

months.

IP: EU: Unbound, except NL. In NL: None.

13

Sector or sub-sector

Description of reservations

Related scientific and technical consulting services

(CPC 8675)

CSS:

In BE, EE, EL, ES, HR, IE, IT, LU, NL, PL, SI, SE: None.

In AT, CZ,CY, DE, DK, FL, HU, LT, LV, MT, PT, RO, SK: Economic needs test.

In DE: None, except for publicly appointed surveyors, where: Unbound.

In FR: None, except for "surveying" operations relating to the

establishment of property rights and to land law, where: Unbound.

In BG: Unbound.

IP: EU: Unbound, except NL. In NL: None.

Mining (CPC 883, advisory and consulting services

only)

CSS:

In BE, DE, EE, EL, ES, FI, FR, HR, IE, IT, LV, LU, MT, NL, PL, PT, SI, SE: None.

In AT, BG, CZ,CY, HU, LT, RO, SK: Economic needs test.

In DK: Economic needs test, except for CSS stays of up to three

months.

IP: In DE, EE, EL, FI, FR, HR, IE, LV, LU, MT, NL, PT, SI, SE: None. In AT, BE, BG, CZ, CY, DK, ES, HU, IT, LT, PL, RO, SK:

Economic needs test.

14

Sector or sub-sector

Description of reservations

Maintenance and repair of vessels

(part of CPC 8868)

CSS: In BE, EE, EL, ES, FR, HR, IT, LV, LU, NL, PL, PT, SI, SE: None In AT, BG, CZ, CY, DE, DK, FI, HU, IE, LT, MT, RO, SK:

Economic needs test.

IP: EU: Unbound, except NL. In NL: None.

Maintenance and repair of rail transport equipment

(part of CPC 8868)

CSS:

In BE, EE, EL, ES, FR, HR, IT, LV, LU, MT, NL, PL, PT, SI, SE: None.

In AT, BG, CZ, CY, DE, DK, FI, HU, IE, LT, RO, SK: Economic

needs test.

IP: EU: Unbound, except NL. In NL: None.

Maintenance and repair of motor vehicles, motorcycles, snowmobiles and road transport equipment

(CPC 6112, 6122, part of 8867 and part of 8868)

CSS: In BE, EE, EL, ES, FR, HR, IT, LV, LU, NL, PL, PT, SI, SE: None. In AT, BG, CZ, CY, DE, DK, FI, HU, IE, LT, MT, RO, SK:

Economic needs test.

IP: EU: Unbound, except NL. In NL: None.

15

Sector or sub-sector

Description of reservations

Maintenance and repair of aircraft and parts thereof

(part of CPC 8868)

CSS:

In BE, EE, EL, ES, FR, HR, IT, LV, LU, MT, NL, PL, PT, SI, SE: None.

In AT, BG, CZ, CY, DE, DK, FI, HU, IE, LT, RO, SK: Economic

needs test.

IP: EU: Unbound, except NL. In NL: None.

Maintenance and repair of metal products, of (non office) machinery, of (non transport and non office) equipment and of personal and household goods? (CPC 633, 7545, 8861, 8862, 8864, 8865 and 8866)

CSS:

In BE, EE, EL, ES, FR, HR, IT, LV, LU, MT, NL, PL, PT, SI, SE: None.

In AT, BG, CZ, CY, DE, DK, HU, IE, LT, RO, SK: Economic needs test.

In FI: Unbound, except in the context of an after-sales or after-lease contract; for maintenance and repair of personal and household

goods (CPC 633): Economic needs test.

IP: EU: Unbound, except NL. In NL: None.

5

Maintenance and repair services of office machinery and equipment including computers (CPC 845)

are under computer services,

16

Sector or sub-sector

Description of reservations

Translation and interpretation services (CPC 87905, excluding official or certified

activities)

CSS:

In BE, CY, DE, EE, EL, ES, FR, HR, IT, LU, MT, NL, PL, PT, SI, SE: None.

In AT, BG, CZ, DK, FI, HU, IE, LT, LV, RO, SK: Economic needs

test.

IP:

In CY, DE, EE, FR, LU, LV, MT, NL, PL, PT, SI, SE: None. In AT, BE, BG, CZ, DK, EL, ES, FI, HU, IE, IT, LT, RO, SK: Economic needs test.

In HR: Unbound.

Telecommunication services (CPC 7544, advisory and consulting

services only)

CSS:

In BE, DE, EE, EL, ES, FI, FR, HR, IE, IT, LV, LU, MT, NL, PL, PT, SI, SE: None.

In AT, BG, CZ, CY, HU, LT, RO, SK: Economic needs test.

In DK: Economic needs test, except for CSS stays of up to three

months.

IP:

In DE, EE, EL, FI, FR, HR, IE, LV, LU, MT, NL, PL, PT, SI, SE: None.

In AT, BE, BG, CZ, CY, DK, ES, HU, IT, LT, RO, SK: Economic

needs test.

17

Sector or sub-sector

Description of reservations

Postal and courier services (CPC 751, advisory and

consulting services only)

CSS:

In BE, DE, EE, EL, ES, FR, HR, IE, IT, LV, LU, MT, NL, PL, PT, SI, SE: None.

In AT, BG, CZ, CY, FI, HU, LT, RO, SK: Economic needs test.

In DK: Economic needs test, except for CSS stays of up to three

months.

IP: In DE, EE, EL, FR, HR, IE, LV, LU, MT, NL, PL, PT, SI, SE: None. In AT, BE, BG, CZ, CY, DK, ES, FI, HU, IT, LT, RO, SK:

Economic needs test.

Construction and related engineering services

(CPC 511, 512, 513, 514, 515, 516, 517 and 518. BG: CPC 512, 5131, 5132, 5135, 514, 5161, 5162, 51641, 51643, 51644, 5165 and 517)

CSS: EU: Unbound except in BE, CZ, DK, ES, NL and SE. In BE, DK, ES, NL, SE: None.

In CZ: Economic needs test.

IP: EU: Unbound, except NL. In NL: None.

Site investigation work

(CPC 5111)

CSS:

In BE, DE, EE, EL, ES, FR, HR, IE, IT, LU, MT, NL, PL, PT, SI, SE: None.

In AT, BG, CZ,CY, FI, HU, LT, LV, RO, SK: Economic needs test. In DK: Economic needs test, except for CSS stays of up to three

months.

IP: EU: Unbound.

Sector or sub-sector

Description of reservations

Higher education services

(CPC 923)

CSS:

EU except in LU, SE: Unbound.

In LU: Unbound, except for university professors, where: None. In SE: None, except for publicly funded and privately funded educational services suppliers with some form of State support,

where: Unbound.

TP:

EU except in SE: Unbound.

In SE: None, except for publicly funded and privately funded educational services suppliers with some form of State support,

where: Unbound.

Agriculture, hunting and forestry (CPC 881, advisory and consulting services

only)

CSS:

EU except in BE, DE, DK, ES, FI, HR and SE: Unbound

In BE, DE, ES, HR, SE: None

In DK: Economic needs test.

In FI: Unbound, except for advisory and consulting services relating

to forestry, where: None.

IP: EU: Unbound.

Environmental services (CPC 9401, 9402, 9403, 9404, part of 94060, 9405, part of 9406 and 9409)

CSS:

In BE, EE, ES, FI, FR, HR, IE, IT, LU, MT, NL, PL, PT, SI, SE: None.

In AT, BG, CZ, CY, DE, DK, EL, HU, LT, LV, RO, SK: Economic

needs test.

IP: EU: Unbound.

19

Sector or sub-sector

Description of reservations

Insurance and insurance related services (advisory and consulting services

only)

CSS:

In BE, DE, EE, EL, ES, FR, HR, IE, IT, LV, LU, MT, NL, PL, PT, SI, SE: None.

In AT, BG, CZ,CY, FI, LT, RO, SK: Economic needs test.

In DK: Economic needs test except for CSS stays of up to three months.

In HU: Unbound.

IP: In DE, EE, EL, FR, HR, IE, LV, LU, MT, NL, PT, SI, SE: None. In AT, BE, BG, CZ, CY, DK, ES, FI, IT, LT, PL, RO, SK: Economic

needs test.

In HU: Unbound. Other financial services CSS: (advisory and consulting In BE, DE, ES, EE, EL, FR, HR, IE, IT, LV, LU, MT, NL, PL, PT, services only) SI, SE: None.

In AT, BG, CZ, CY, FI, LT, RO, SK: Economic needs test. In DK: Economic needs test, except for CSS that stays of up to three months.

In HU: Unbound.

IP:

In DE, EE, EL, FR, HR, IE, LV, LU, MT, NL, PT, SI, SE: None.

In AT, BE, BG, CZ, CY, DK, ES, FI, IT, LT, PL, RO, SK: Economic needs test.

In HU: Unbound.

20

Sector or sub-sector

Description of reservations

Transport (CPC 71, 72, 73,

and 74, advisory and

consulting services only)

CSS:

In DE, EE, EL, ES, FI, FR, HR, IE, IT, LV, LU, MT, NL, PL, PT, SI, SE: None.

In AT, BG, CZ, CY, HU, LT, RO, SK: Economic needs test.

In DK: Economic needs test, except for CSS stays of up to three months.

In BE: Unbound.

TP:

In CY, DE, EE, EL, FI, FR, HR, IE, LV, LU, MT, NL, PT, SI, SE: None.

In AT, BG, CZ, DK, ES, HU, IT, LT, RO, SK: Economic needs test. In PL: Economic needs test, except for air transport, where: None.

In BE: Unbound.

Travel agencies and tour

operators services

(including tour managersÂ®)

(CPC 7471)

CSS:

In AT, CY, CZ, DE, EE, ES, FR, HR, IT, LU, NL, PL, SI, SE: None. In BG, EL, FI, HU, LT, LV, MT, PT, RO, SK: Economic needs test. In DK: Economic needs test, except for CSS stays of up to three months.

In BE, IE: Unbound, except for tour managers, where: None.

IP: EU: Unbound.

Services suppliers whose function is to accompany a tour group of a minimum of 10 natural persons, without acting as guides in specific locations.

21

Sector or sub-sector

Description of reservations

Tourist guides services

(CPC 7472)

CSS:

In NL, PT, SE: None.

In AT, BE, BG, CY, CZ, DE, DK, EE, FI, FR, EL, HU, IE, IT, LV, LU, MT, RO, SK, SI: Economic needs test.

In ES, HR, LT, PL: Unbound.

IP: EU: Unbound.

Manufacturing (CPC 884, and 885, advisory and

consulting services only)

CSS:

In BE, DE, EE, EL, ES, FI, FR, HR, IE, IT, LV, LU, MT, NL, PL, PT, SI, SE: None.

In AT, BG, CZ, CY, HU, LT, RO, SK: Economic needs test.

In DK: Economic needs test, except for CSS stays of up to three

months.

IP: In DE, EE, EL, FI, FR, HR, IE, LV, LU, MT, NL, PT, SI, SE: None. In AT, BE, BG, CZ, CY, DK, ES, HU, IT, LT, PL, RO, SK:

Economic needs test.

13. Chile's reservations are:

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ANNEX VI â

FINANCIAL SERVICES

HEADNOTES

1. | The Schedules of a Party in this Annex set out, [pursuant to] [CL: under] Article FS XXX

[Non-conforming measures]:

(a) in Section A, the Schedule of a Party sets out the specific sectors, subsectors or activities to which the obligations of Article FS [Cross-border trade in financial services incorporating local presence, MEN, National treatment and Market Access]] apply;

(b) in Section B, the Schedule of a Party sets out the specific subsectors or activities where that Party undertakes commitments pursuant to Articles (Market Access) (Note: the sectors to which CBTS applies are now included in Section A)

(c) in Section C, the Schedule of a Party sets out the specific sectors, subsectors or activities for which a Party maintains an existing measure that is not subject to some or all of the obligations imposed by:

i) Article FS [National treatment]; (i) Article FS [Most favoured nation treatment]; Gii) Article FS [Senior management and boards of directors];

(iv) [EU: Article FS [Performance requirements];] and

(v) Article FS [Cross-border trade in financial services incorporating local presence, MFN and National treatment]];

(d)

2.

in Section D, the specific sectors, subsectors or activities for which a Party may maintain existing, or adopt new or more restrictive, measures that do not conform with some or all of

the above-mentioned obligations;

In all Sections, for the EU, the subsectors or activities of financial services are specified in

accordance with Article FS 2: [Definitions]. For Chile, in Section B the commitments are classified

by the Provisional Central Product Classification (Statistical paper Series M, No. 77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York (1991)).

(a)

(b)

(c)

(a)

(b)

(c)

(d)

A reservation taken against the obligations incorporated in chapter X [Financial Services] by Article FS [Cross-border trade in financial services] is scheduled by mentioning the title of such article and referring to the specific obligation incorporated.

Section Section B Only Contains Non-discriminatory Limitations on

Market Access. Discriminatory Limitations Are Scheduled In Sections C or D.

The reservations of a Party are without prejudice to the rights and obligations of the Parties under GATS.

In Sections C and D, each reservation sets out the following elements:

"sub-sector" refers to the specific sector in which the reservation is taken;

"type of reservation" or âobligation concernedâ specifies the obligation referred to in

paragraphs 1 or 2 for which a reservation is taken;

"level of government" indicates the level of government maintaining the measure for which a

teservation is taken;

in Section C, "measures" identifies the laws or other measures as qualified, where indicated, by the "description" element for which the reservation is taken. A "measure" cited in the

"measures" element:

(i) _ means the measure as amended, continued or renewed as of the date of entry into force

of this Agreement;

Gi) includes any subordinate measure adopted or maintained under the authority of and

consistent with the measure; and

Gii) in respect of the Schedule of the Union, includes any laws or other measures which

implement a directive at Member State level;

(g) in Section D, "existing measures" identifies, for transparency purposes, existing measures that

apply to sub-sector or activities covered by the reservation; and

(h) "âdescription" sets out the non-conforming aspects of the measure for which the reservation is taken.

7. For greater certainty, with regard to Section C, if a Party adopts a new measure at a level of government different to that at which the reservation was originally taken, and this new measure effectively replaces â within the territory to which it applies â the non-conforming aspect of the original measure cited in the "measures" element, the new measure shall be deemed to constitute a "modification" to the original measure within the meaning of point (c) of paragraph 1 of article FSS

[Non-conforming measures].

8. In the interpretation of a reservation, all elements of the reservation shall be considered. A reservation shall be interpreted in the light of the relevant obligations against which the reservation is taken. In Section C, the "measures" element, and in Sections B and D, the âdescriptionâ element,

shall prevail over all other elements.

9. A reservation taken at the level of the European Union applies to a measure of the Union, to a measure of a Member State at the central level or to a measure of a government within a Member State, unless the reservation excludes a Member State. A reservation taken by a Member State applies to a measure of a government at the central, regional or local level within that Member State. For the purposes of the reservations of Belgium, the central level of government covers the federal government and the governments of the regions and the communities as each of them holds

equipollent legislative powers. For the purposes of the reservations of the European Union and its

Member States, a regional level of government in Finland means the Aland Islands. A reservation

taken at the level of Chile applies to a measure of the central government or a local government.

10. The list of reservations below does not include measures relating to requirements and procedures that a natural or juridical person needs to comply with in order to obtain amend or renew an authorisation [i.e. qualification requirements and procedures, technical standards and licensing requirements and procedures], where they do not constitute a limitation within the meaning of Articles FFSS [National Treatment], [Market Access], or FFSS [CBTS]. These measures may include, in particular, the need to obtain an authorisation, to be registered, to satisfy universal service obligations, to have recognised qualifications in regulated sectors, to pass specific examinations, including language examinations, to fulfil a membership requirement of a particular profession, such as membership in a professional organisation, to have a local agent for service, or to maintain a local address, or any other non-discriminatory requirements that [prohibit certain

activities from being carried out] in protected zones or areas. While not listed, such measures [EU:

may] apply.

11. For greater certainty, for the Union, the obligation to grant national treatment does not entail the requirement to extend to natural or legal persons of Chile the treatment granted in a Member State, pursuant to the Treaty on the Functioning of the European Union, or any measure adopted

pursuant to that Treaty, including their implementation in the Member States, to: (a) natural persons or residents of another Member State; or

(b) legal persons constituted or organised under the law of another Member State or of the Union and having their registered office, central administration or principal place of business in the

Union.

12. Treatment granted to legal persons established by investors of a Party in accordance with the law of the other Party (including, in the case of the Union, the law of a Member State) and having their registered office, central administration or principal place of business within that other Party, is without prejudice to any condition or obligation, consistent with Chapter II [Investment liberalisation], which may have been imposed on such legal person when it was established in that

other Party, and which shall continue to apply.

13. Unlike foreign subsidiaries, branches established directly in a Member State by a non- European Union financial institution are not, with certain limited exceptions, subject to prudential regulations harmonised at Union level which enable such subsidiaries to benefit from enhanced facilities to set up new establishments and to provide cross-border services throughout the Union. Therefore, such branches receive an authorisation to operate in the territory of a Member State under conditions equivalent to those applied to domestic financial institutions of that Member State, and may be required to satisfy a number of specific prudential requirements such as, in the case of banking and securities, separate capitalisation and other solvency requirements and reporting and publication of accounts requirements or, in the case of insurance, specific guarantee and deposit requirements, a separate capitalisation, and the localisation in the Member State concerned of the

assets representing the technical reserves and at least one third of the solvency margin.

14. For Chile, legal and naturals persons that participate in the Chilean financial market, [EU: may] [CL: can] be regulated, supervised and authorised by the ComisiÃ©n para el Mercado Financiero (Financial Market Commission) and other public entities. [EU: Domestic and] foreign legal and natural persons shall comply with the non-discriminatory requirements and obligations of the financial sector regulation and may be required to satisfy a number of specific prudential requirements such as, separate capitalisation, legal requirements concerning patrimony, solvency requirements, reporting and publication of accounts requirements, constitution procedure, specific

guarantee and deposit requirements.

15. The Schedules apply only to the territories of Chile and the Union in accordance with [Institutional â Geographical application] and are only relevant in the context of trade relations between the Union and its Member States with Chile. They do not affect the rights and obligations of the Member States under Union law. [Redundant if similar language is included for the whole

agreement in the general provisions].

16. For greater certainty, each Party reserves the right to adopt or maintain any measure with respect to the cross-border supply of all sectors, sub-sectors and activities for financial services that are not specified in Section A.

17. The following abbreviations are used in the list of reservations below:

EU European Union, including all its Member States

AT Austria

BE Belgium

BG Bulgaria

CY Cyprus

CZ Czech Republic DE Germany

DK Denmark

EE Estonia

EL Greece ES Spain FI Finland FR France

HR Croatia

HU Hungary IE Ireland IT Italy

LT Lithuania LU Luxembourg

LV Latvia

MT Malta

NL The Netherlands PL Poland

PT Portugal

RO Romania SE Sweden SI Slovenia

SK Slovak Republic

CPC âProvisional Central Product Classification (Statistical paper Series M, No. 77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York (1991))]

CMF = ComisiÃ©n para el Mercado Financiero (Financial Market Commission)

RESERVATIONS AND MARKET ACCESS COMMITMENTS

Section SECTION A: COMMITMENTS FOR CROSS-BORDER TRADE IN FINANCIAL SERVICES

Sectors, subsectors or activities to which the obligations of Article FS [Cross-border trade in

financial services incorporating local presence, MEN, National treatment and Market Access]]

apply;

Insurance and insurance-related services

In EU,

1.

In CY:

except CY, EE, LV, LT, MT and PL:

insurance of risks relating to:

i) maritime transport, commercial aviation and space launching and freight, including satellites, with this insurance to cover: the goods being transported, the vehicle transporting the goods, or liability deriving from that transport; and

ii) goods in international transit;

reinsurance and retrocession;

services auxiliary to insurance as described in sub-subparagraph (iv) of the definition of

insurance and insurance-related services in Article 13.1; and

insurance intermediation, such as brokerage and agency, of insurance risks related to the

services listed in subparagraphs (a) and (b).

. direct insurance services (including co-insurance) for the insurance of risks relating to:

i) maritime transport, commercial aviation and space launching and freight, including satellites, with this insurance to cover: the goods being transported, the vehicle transporting the goods, or liability deriving from that transport; and

ii) goods in international transit;

insurance intermediation;

3. reinsurance and retrocession; and

In EE:

services auxiliary to insurance as described in sub-subparagraph (iv) of the definition of

insurance and insurance-related services in Article 13.1.

1. direct insurance (including co-insurance); 2. reinsurance and retrocession; 3. insurance intermediation; and 4. services auxiliary to insurance as described in sub-subparagraph (iv) of the definition of insurance and insurance-related services in Article 13.1. In LV and LT: 1. insurance of risks relating to:

i) maritime transport, commercial aviation and space launching and freight, including satellites, with this insurance to cover: the goods being transported, the vehicle transporting the goods, or liability deriving from that transport; and

ii) goods in international transit;

2. reinsurance and retrocession; and 3. services auxiliary to insurance as described in sub-subparagraph (iv) of the definition of insurance and insurance-related services in Article 13.1. In MT: 1. insurance of risks relating to:

i) maritime transport, commercial aviation and space launching and freight, including satellites, with this insurance to cover: the goods being transported, the vehicle transporting the goods, or liability deriving from that transport; and

ii) goods in international transit;

2. reinsurance and retrocession; and 3. services auxiliary to insurance as described in sub-subparagraph (iv) of the definition of insurance and insurance-related services in Article 13.1. In PL: 1. insurance of risks relating to goods in international trade; and 2. reinsurance and retrocession of risks relating to goods in international trade.

Banking and other financial services (excluding insurance and insurance-related services) In EU except for BE, CY, EE, LV, LT, MT, SI and RO:

1.

the provision and transfer of financial information, and financial data processing and related software, as described in sub-subparagraph (xi) of the definition of banking and other financial services (excluding insurance) in Article 13.1; and

advisory and other auxiliary financial services relating to banking and other financial

services, as described in sub-subparagraph (xii) of the definition of banking and other

financial services (excluding insurance) in Article 13.1, but not intermediation as described in that sub-subparagraph. In BE: (a) the provision and transfer of financial information, and financial data processing and related software, as described in sub-subparagraph (xi) of the definition of banking and other financial services (excluding insurance) in Article 13.1. In Cy:

1. the trading for own account or for the account of customers, whether on an exchange, in an over-the-counter market or otherwise, of transferrable securities;

2. the provision and transfer of financial information, and financial data processing and related software, as described in

sub-subparagraph (xi) of the definition of banking and other financial services (excluding insurance) in Article 13.1; and

3. advisory and other auxiliary financial services relating to banking and other financial services, as described in sub-subparagraph (xii) of the definition of banking and other financial services (excluding insurance) in Article 13.1, but not intermediation as described in that subparagraph.

In EE and LT: 1. acceptance of deposits; lending of all types; financial leasing; all payment and money transmission services;

guarantees and commitments;

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trading for own account or for account of customers, whether on an exchange or in an over-

the-counter market;

7. participation in issues of all kinds of securities, including underwriting and placement as agent, whether publicly or privately, and supply of services related to such issues;

8. money broking;

9. asset management, such as cash or portfolio management, all forms of collective investment management, custodial, depository and trust services;

10. settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments;

11. the provision and transfer of financial information, and financial data processing and related

software, as described in sub-subparagraph (xi) of the definition of banking and other

financial services (excluding insurance) in Article 13.1; and

12, advisory and other auxiliary financial services relating to banking and other financial services, as described in sub-subparagraph (xii) of the definition of banking and other financial services (excluding insurance) in Article 13.1, but not intermediation as described in that subparagraph.

In LV:

1. participation in issues of all kinds of securities, including underwriting and placement as agent, whether publicly or privately, and supply of services related to such issues;

2. the provision and transfer of financial information, and financial data processing and related software, as described in sub-subparagraph (xi) of the definition of banking and other financial services (excluding insurance) in Article 13.1; and

3. advisory and other auxiliary financial services relating to banking and other financial services, as described in sub-subparagraph (xii) of the definition of banking and other financial services (excluding insurance) in Article 13.1, but not intermediation as described

in that subparagraph.

1. the acceptance of deposits;

2. lending of all types;

3. the provision and transfer of financial information, and financial data processing and related software, as described in sub-subparagraph (xi) of the definition of banking and other financial services (excluding insurance) in Article 13.1; and

4. advisory and other auxiliary financial services relating to banking and other financial services, as described in sub-subparagraph (xii) of the definition of banking and other financial services (excluding insurance) in Article 13.1, but not intermediation as described in that subparagraph.

In RO:

acceptance of deposits; lending of all types; guarantees and commitments;

money broking;

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the provision and transfer of financial information, and financial data processing and related software, as described in sub-subparagraph (xi) of the definition of banking and other financial services (excluding insurance) in Article 13.1; and

6. advisory, and other auxiliary financial services relating to banking and other financial

services, as described in sub-subparagraph (xii) of the definition of banking and other

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In SE . lending of all types;

financial services (excluding insurance) in Article 13.1, but not intermediation as described

in that sub-subparagraph.

the acceptance of guarantees and commitments from foreign credit institutions by domestic legal entities and sole proprietors;

the provision and transfer of financial information, and financial data processing and related software, as described in sub-subparagraph (xi) of the definition of banking and other financial services (excluding insurance) in Article 13.1; and

advisory and other auxiliary financial services relating to banking and other financial services, as described in sub-subparagraph (xii) of the definition of banking and other financial services (excluding insurance) in Article 13.1, but not intermediation as described

in that sub-subparagraph.

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Section SECTION B:

MARKET ACCESS COMMITMENTS WITH RESPECT TO INVESTMENT LIBERALISATION (a) The following subsectors and activities are committed with respect to investment liberalisation:

In EU: all financial services.

(b) The following non-discriminatory limitations apply with respect to Investment

liberalisation - Market access:

i. All Financial Services

The EU: the right to require a financial service supplier, other than a branch, when establishing in a Member State to adopt a specific legal form, on a non-discriminatory basis.

ii. Insurance and Insurance-related Services

In AT: In order to obtain a licence to open a branch office, foreign insurers must have a legal form corresponding or comparable to a joint stock company or a mutual insurance association in their

home country.

iii. Banking and other financial services In RO: Market operators are legal persons set up as joint stock companies according to the provisions of the Company law. Alternative trading systems (Multilateral trading facility (MTF) pursuant to MiFID II Directive) can be managed by a system operator set up under the conditions described above or by an investment firm authorised by ASF (Autoritatea de Supraveghere

Financiara â Financial Supervisory Authority).

In SI: A pension scheme may be provided by a mutual pension fund (which is not a legal entity and is therefore managed by an insurance company, a bank or a pension company), a pension company or an insurance company. Additionally, a pension scheme can also be offered by pension scheme

providers established in accordance with the regulations applicable in a Member State of the EU.

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In SK: Investment services can only be provided by management companies which have the legal

form of a joint-stock company with equity capital according to the law.

In SE: A founder of a savings bank shall be a natural person.

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Section Section C: Existing Measures Reservation 1: Sub-sector: Insurance and Insurance-related Services

Type of reservation: National treatment Most-favoured-nation treatment Local presence Level of government: EU/Member State (unless otherwise specified)

With respect to Investment liberalisation â National treatment, Most-favoured-nation treatment:

In IT: Access to the actuarial profession through natural persons only. Professional associations (no incorporation) among natural persons permitted. European Union nationality is required for the ptactice of the actuarial profession, except for foreign professionals who may be allowed to practice

based on reciprocity.

Measures: IT: Article 29 of the code of private insurance (Legislative decree no. 209 of 7 September 2005); and Law 194/1942, Article 4, Law 4/1999 on the register.

With respect to Investment liberalisation â National treatment, Cross-border trade in financial

services â Local presence:

In BG: Pension insurance shall be carried out as a joint-stock company licensed in accordance with the Code of Social Insurance and registered under the Commerce Act or under the legislation of

another Member State of the EU (no branches).

In BG, ES, PL and PT: Direct branching is not permitted for insurance intermediation, which is reserved to companies formed in accordance with the law of a Member State (local incorporation is required). For PL, residency requirement for insurance intermediaries.

With respect to Investment liberalisation â National treatment

In PL: For pension funds. Direct branching is not permitted for insurance intermediation, which is

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reserved to companies formed in accordance with the law of a Member State (local incorporation is

required).

Measures: BG: Insurance Code, articles 12, 56-63, 65, 66 and 80 paragraph 4, Social Insurance Code Art. 120a-162, Art. 209-253, Art. 260-310.

ES: Reglamento de OrdenaciÃ©n, SupervisiÃ©n y Solvencia de Entidades Aseguradoras y Reaseguradoras (RD 1060/2015, de 20 de noviembre de 2015), article 36.

PL: Act on insurance and reinsurance activity of September 11, 2015 Journal of Laws of 2020, item 895 and 1180); Act on insurance distribution of December 15, 2017 (Journal of Laws 2019, item 1881); Act on the organization and operation of pension funds of August 28, 1997 (Journal of Laws of 2020, item 105); Act of 6 March 2018 on rules regarding economic activity of foreign entrepreneurs and other foreign persons in the territory of the Republic of Poland.

PT: Article 7 of Decree-Law 94-B/98 revoked by Decree-Law 2/2009, January 5th; and chapter I, Section VI of Decree-Law 94-B/98, articles 34, nr. 6, 7, and article 7 of Decree-Law 144/2006, revoked by Law 7/2019, January 16th. Article 8 of the legal regime governing the business of

insurance and reinsurance distribution, approved by Law 7/2019, of January 16".

With respect to Investment liberalisation â National treatment:

In AT: The management of a branch office must consist of at least two natural persons resident in AT.

In BG: Residency requirement for the members of managing and supervisory body of (re)insurance

undertakings and every person authorised to manage or represent the (re)insurance undertaking.

The Chairperson of the Management Board, the Chairperson of the Board of Directors, the Executive Director and the Managerial Agent of pension insurance companies must have a

permanent address or hold a durable residence permit in Bulgaria.

Measures:

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AT: Insurance Supervision Act 2016, Article 14 para. 1 no. 3, Federal Law Gazette I No. 34/2015 (Versicherungsaufsichtsgesetz 2016, Â§ 14 Abs. 1 Z 3, BGB1. I Nr. 34/2015)

BG: Insurance Code, articles 12, 56-63, 65, 66 and 80 paragraph 4, Social Insurance Code, Art. 120a-162, Art. 209-253, Art. 260-310

With respect to Investment liberalisation â National treatment:

In BG: Before establishing a branch or agency to provide insurance, a foreign insurer or reinsurer must have been authorised to operate in its country of origin in the same classes of insurance as

those it wishes to provide in BG.

The income of the supplementary voluntary pension funds, as well as similar income directly

connected with voluntary pension insurance, carried out by persons who are registered under the legislation of another Member State and who may, in compliance with the legislation concerned, perform voluntary pension insurance operations, shall not be taxable according to the procedure

established by the Corporate Income Tax Act.

In ES: Before establishing a branch or agency in Spain in order to provide certain classes of insurance, a foreign insurer must have been authorised to operate in the same classes of insurance in its country of origin for at least five years.

In PT: In order to establish a branch or agency, foreign insurance undertakings must have been authorised to carry out the business of insurance or reinsurance, according to the relevant national law for at least five years.

Measures:

BG: Insurance Code, articles 12, 56-63, 65, 66 and 80 paragraph 4, Social Insurance Code, Art. 120a-162, Art. 209-253, Art. 260-310.

ES: Reglamento de OrdenaciÃ©n, SupervisiÃ©n y Solvencia de Entidades Aseguradoras y Reaseguradoras (RD 1060/2015, de 20 de noviembre de 2015), article 36.

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PT: Article 7 of Decree-Law 94-B/98 and chapter I, Section VI of Decree-Law 94-B/98, articles 34, nr. 6, 7, and article 7 of Decree-Law 144/2006; Article 215 of legal regime governing the taking up

and pursuit of the business of insurance and reinsurance, approved by Law 147/2005, of September Oth.

With respect to Investment â National treatment and Cross-border trade in financial services â

National treatment:

In AT: Promotional activity and intermediation on behalf of a subsidiary not established in the

Union or of a branch not established in AT (except for reinsurance and retrocession) are prohibited.

With respect to Cross-border trade in financial services â Local presence: In DK: No persons or companies (including

insurance companies) may, for business purposes, assist in effecting direct insurance for persons resident in DK, for Danish ships or for property in

DK, other than insurance companies licensed by Danish law or by Danish competent authorities.

With respect to Cross-border trade in financial services â Local presence: In DE, HU and LT: The supply of direct insurance services by insurance companies not

incorporated in the European Union requires the setting up and authorisation of a branch.

With respect to Cross-border trade in financial services â National treatment, Local presence:

In EL: Insurance and reinsurance undertakings with head offices in third countries may operate in Greece via establishing a subsidiary or a branch, where branch in this case does not take any specific legal form, as it means a permanent presence in the territory of a Member State (ie. Greece) of an undertaking with head office outside EU, which receives authorisation in that Member State

(Greece) and which pursues insurance business.

In SE: The supply of direct insurance by a foreign insurer is allowed only through the mediation of an insurance service supplier authorised in Sweden, provided that the foreign insurer and the Swedish insurance company belong to the same group of companies or have an agreement of

cooperation between them.

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In SE: The provision of insurance intermediation services by undertakings not incorporated in the

EEA requires the establishment of a commercial presence (local presence requirement).

In SK: Air and maritime transport insurance, covering the aircraft/vessel and responsibility, can be underwritten only by insurance companies established in the Union or by the branch office of the insurance companies not established in the Union authorised in the Slovak Republic.

Measures

AT: Insurance Supervision Act 2016, Article 13 para. 1 and 2, Federal Law Gazette I No. 34/2015

(Versicherungsaufsichtsgesetz 2016, Â§ 13 Abs. 1 und 2, BGBl. I Nr. 34/2015)

DE: Versicherungsaufsichtsgesetz (VAG) for all insurance services; in connection with

Luftverkehrs-Zulassungs-Ordnung (LuftVZO) only for compulsory air liability insurance.

DK: Lov om finansiel virksomhed jf. lovbekendtggrelse 182 af 18. februar 2015. EL: Art. 130 of the Law 4364/ 2016 (Gov. Gazette 13/ A/ 05.02.2016).

HU: Act LX of 2003LT: Law on Insurance, 18 of September, 2003 m. Nr. [X-1737, last amendment 13 of June 2019 Nr. XII-2232.

SE: Lag om forsakringsdistribution (Insurance Distribution Mediation Act) (Chapter 3, section 3, 2018:1219); and Foreign Insurers Business in Sweden Act (Chapter 4, section 1 and 10, 1998:293).

SK: Act 39/2015 on insurance.

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Reservation 2: Sub-sector: Banking and other financial services

Type of reservation: National treatment Local presence Level of government: EU/Member State (unless otherwise specified)

With respect to Investment liberalisationâ National treatment and Cross-border trade in financial

services â Local presence:

In BG: For pursuing the activities of lending with funds which are not raised through taking of deposits or other repayable funds, acquiring holdings in a credit institution or another financial institution, financial leasing, guarantee transactions,

acquisition of claims on loans and other forms of financing (factoring, forfeiting, etc.), non-bank financial institutions are subject to registration regime with the Bulgarian National Bank. The financial institution shall have its main business in

the territory of Bulgaria.

With respect to Investment liberalisation â National treatment and Cross-border trade in financial

services â Local presence:

In BG: Non-EEA banks may pursue banking activity in Bulgaria after obtaining a license from BNB for taking up and pursuing of business activities in the Republic of Bulgaria through a branch.

In IT: In order to be authorised to operate the securities settlement system or to provide central securities depository services with an establishment in Italy, a company is required to be

incorporated in Italy (no branches).

In the case of collective investment schemes other than undertakings for collective investment in transferable securities ("UCITS") harmonised under Union legislation, the trustee or depository is required to be established in Italy or in another Member State and have a branch in Italy.

Management enterprises of investment funds not harmonised under Union legislation are also

required to be incorporated in Italy (no branches).

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Only banks, insurance enterprises, investment firms and enterprises managing UCITS harmonised under Union legislation having their legal head office in the Union, as well as UCITS incorporated

in Italy, may carry out the activity of pension fund resource management.

In providing the activity of door-to-door selling, intermediaries must utilise authorised financial

salesmen resident within the territory of a Member State.

Representative offices of non-European Union intermediaries cannot carry out activities aimed at providing investment services, including trading for own account and for the account of customers,

placement and underwriting financial instruments (branch required). With respect to Investment liberalisation â National treatment

In PT: Pension fund management may be provided only by specialised companies incorporated in PT for that purpose and by insurance companies established in PT and authorised to take up life insurance business, or by entities authorised to provide pension fund management in other Member

States. Direct branching from non-European Union countries is not permitted. Measures:

BG: Law on Credit Institutions, article 2, paragraph 5, article 3a and article 17 Code Of Social Insurance, articles 121, 121b, 121f; and Currency Law, article 3.

IT: Legislative Decree 58/1998, articles 1, 19, 28, 30-33, 38, 69 and 80;

Joint Regulation of Bank of Italy and Consob 22.2.1998, articles 3 and 41;

Regulation of Bank of Italy 25.1.2005;

Title V, Chapter VI, Section II, Consob Regulation 16190 of 29.10.2007, articles 17-21, 78-81, 91- 111; and subject to:

Regulation (EU) No 909/2014 of the European Parliament and of the Council!.

1 Regulation (EU) No 909/2014 of the European Parliament and of the Council of 23 July 2014 on improving securities settlement in the European Union and on central securities depositories and amending Directives 98/26/EC and 2014/65/EU and Regulation (EU) No 236/2012 (OJ L 257

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PT: Decree-Law 12/2006, as amended by Decree-Law 180/2007 Decree-Law 357-A/2007, Regulation 7/2007-R, as amended

by Regulation 2/2008-R, Regulation 19/2008-R, Regulation 8/2009. Article 3 of the legal regime governing the establishment and functioning of pension funds and their management entities approved by Law 27/2020, of July 23rd.

With respect to Investment liberalisationâ National treatment:

In HU: Branches of non-EEA investment fund management companies may not engage in the management of European investment funds and may not provide asset management services to

private pension funds.

Measures:

HU: Act CCXXXVII of 2013 on Credit Institutions and Financial Enterprises; Act CCXXXVII of 2013 on Credit Institutions and Financial Enterprises; and Act CXX of 2001 on the Capital Market.

With respect to Investment liberalisation â National Treatment

In BG: A bank shall be managed and represented jointly by at least two persons. The persons who manage and represent the bank shall be personally present at its management address. Legal persons may not be elected members of the managing board or the board of directors of a bank.

Measures:

BG: Law on Credit Institutions, article 10;

Code Of Social Insurance, article 121Â¢; and

Currency Law, article 3.

With respect to Investment liberalisation â National treatment:

In HU: The board of directors of a credit institution shall have at least two members recognised as

resident according to foreign exchange regulations and having had prior permanent residence in HU

for at least one year.

28,8,2014, p. 1). 21

Measures:

HU: Act CCXXXVII of 2013 on Credit Institutions and Financial Enterprises; Act CCXXXVII of 2013 on Credit Institutions and Financial Enterprises; and Act CXX of 2001 on the Capital Market.

With respect to Cross-border trade in financial services â Local presence: In HU: Non-EEA companies may provide financial services or engage in activities auxiliary to

financial services solely through a branch in HU.

Measures:

HU: Act CCXXXVII of 2013 on Credit Institutions and Financial Enterprises; Act CCXXXVII of 2013 on Credit Institutions and Financial Enterprises; and Act CXX of 2001 on the Capital Market.

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Section SECTION D: FUTURE MEASURES FOR FINANCIAL SERVICES

Reservation 1: Sub-sector: Insurance and insurance-related services

Type of reservation: National treatment Local presence Level of government: EU/Member State (unless otherwise specified)

The EU reserves the right to adopt or maintain any measure with respect to the following:

With respect to Cross-border trade in financial services â Local presence:

In BG: Transport insurance, covering goods, insurance of vehicles as such and liability insurance regarding risks located in

Bulgaria may not be underwritten by foreign insurance companies directly.

In DE: If a foreign insurance company has established a branch in Germany, it may conclude insurance contracts in Germany relating to international transport only through the branch established in Germany.

Existing measures:

DE: Luftverkehrsgesetz (LuftVG); and

Luftverkehrszulassungsordnung (LuftVZO).

With respect to Investment liberalisation â National treatment and Cross-border trade in financial

services â Local presence:

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In ES: Residence is required, or alternatively to have two years of experience, for the actuarial

profession.

In FI: The supply of insurance broker services is subject to a permanent place of business in the EU. Only insurers having their head office in the European Union or having their branch in Finland may

offer direct insurance services, including co-insurance.

Existing measures:

FI: Laki ulkomaisista vakuutusyhtidistÃ© (Act on Foreign Insurance Companies) (398/1995); Vakuutusyhtidlaki (Insurance Companies Act) (521/2008);

Laki vakuutusten tarjoamisesta (Act on Insurance Distribution) (234/2018).

With respect to Cross-border trade in financial services â Local presence: In FR: Insurance of risks relating to ground transport may be underwritten only by insurance firms

established in the European Union.

Existing measures:

FR: Code des assurances.

In HU: Only legal persons of the EU and branches registered in Hungary may supply direct

insurance services.

Existing measures: HU: Act LX of 2003.

In IT: Transport insurance of goods, insurance of vehicles and liability insurance regarding risks located in Italy may be underwritten only by insurance companies established in the European Union, except for international transport involving imports into Italy.

Cross-border supply of actuarial services is not allowed.

Existing measures: IT: Article 29 of the code of private insurance (Legislative decree no. 209 of 7 September 2005),

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With respect to Investment liberalisation â National treatment and Cross-border trade in financial services â Local presence:

In PT: Air and maritime transport insurance, covering goods, aircraft, hull and liability can be underwritten only by enterprises legal persons of the European Union. Only natural persons of, or enterprises established in, the European Union may act as intermediaries for such insurance

business in Portugal.

Existing measure: PT: Article 3 of Law 147/2015, Article 8 of Law 7/2019.

With respect to Investment liberalisationâ National treatment and Cross-border trade in services

â Local presence:

In SK: Foreign nationals may establish an insurance company in the form of a joint stock company or may conduct insurance business through their branches having a registered office in the Slovak

Republic. The authorisation in both cases is subject to the evaluation of the supervisory authority.

Existing measures: SK: Act 39/2015 on Insurance.

With respect to Investment liberalisationâ National treatment:

In FI: At least one half of the members of the board of directors and the supervisory board, and the managing director of an insurance company providing statutory pension insurance shall have their place of residence in the EEA, unless the competent authorities have granted an exemption. Foreign insurers cannot obtain a licence in Finland as a branch to carry out statutory pension insurance. At

least one auditor shall have his permanent residence in the EEA.

For other insurance companies, residency in the EEA is required for at least one member of the board of directors, the supervisory board and the managing director. At least one auditor shall have his permanent residence in the EEA. The general agent of an insurance company of Chile must have

his place of residence in Finland, unless the company has its head office in the European Union.

Existing measures:

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FI: Laki ulkomaisista vakuutusyhtidistÃ© (Act on Foreign Insurance Companies) (398/1995); Vakuutusyhtidlaki (Insurance Companies Act) (521/2008);

Laki vakuutusedustuksesta (Act on Insurance Mediation) (570/2005);

Laki vakuutusten tarjoamisesta (Act on Insurance Distribution) (234/2018) and

Laki tydeliÃ©kevakuutusyhtidista (Act on Companies providing statutory pension insurance) (354/1997).

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Reservation 2: Sub-sector: Banking and other Financial Services Type of reservation: National treatment Senior management and boards of directors

Local presence

Level of government: EU/Member State (unless otherwise specified)

The EU reserves the right to adopt or maintain any measure with respect to the following:

With respect to Investment liberalisation - National treatment and Cross-border trade in financial

services â Local presence:

The EU: Only legal persons having their registered office in the Union can act as depositories of the assets of investment funds. The establishment of a specialised management company, having its head office and registered office in the same Member State, is required to perform the activities of management of common funds, including unit trusts, and where allowed under national law, investment companies.

Existing measures:

EU: Directive 2009/65/EC of the European Parliament and of the Councilâ; and Directive 2011/61/EU of the European Parliament and of the Council of 8 June 201 1Â°.

With respect to Cross-border trade in financial services â Local presence: In EE: For acceptance of deposits, requirement of authorisation by the Estonian Financial Supervision Authority and registration under Estonian law as a joint-stock company, a subsidiary or

a branch,

Existing measures:

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EE: Krediidiasutuste seadus (Credit Institutions Act) Â§ 206 and Â§21.

With respect to Investment liberalisation âNational treatment, Senior management and board of

directors:

In FI: At least one of the founders of a credit institution and at least one of the members of its Board of Directors as well as its Managing Director shall be permanently resident or, if the founder is a legal person, have its registered office in the European Economic Area unless the Financial Supervision Authority grants an exemption therefrom. The exemption may be granted if it does not endanger the efficient supervision of the credit institution and the management of the credit institution in accordance with sound and prudent business principles. At least one auditor shall have his permanent residence in the EEA.

For payment services, residency or domicile in Finland may be required.

Existing measures:

FI: Laki liikepankeista ja muista osakeyhtiÃ©muotoisista luottolaitoksista (Act on Commercial Banks and Other Credit Institutions in the Form of a Limited Company) (1501/2001); SaastÃ©pankkilaki (1502/2001) (Savings Bank Act);

Laki osuuspankeista ja muista osuuskuntamuotoisista luottolaitoksista (423/2013) (Act on Cooperative Banks and Other Credit Institutions in the Form of a Cooperative Bank);

Laki hypoteekkiyhdistyksistÃ© (936/1978) (Act on Mortgage Societies);

Maksulaitoslaki (297/2010) (Act on Payment Institutions);

Laki ulkomaisen maksulaitoksen toiminnasta Suomessa (298/2010) (Act on the Operation of Foreign Payment Institution in Finland); and

Laki luottolaitostoiminnasta (Act on Credit Institutions) (610/2014).

With respect to Investment liberalisationâ National treatment In IT: Services of "consulenti finanziari" (financial consultant). In providing the activity of door-to- door selling, intermediaries must utilise authorised financial salesmen resident within the territory

of a Member State.

Existing measures:

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IT: Articles 91-111 of Consob Regulation on Intermediaries (no. 16190 of 29 October 2007).

With respect to Cross-border trade in financial services â Local presence:

In LT: Only banks having their registered office or branch in Lithuania and authorised to provide investment services in the EEA may act as the depositories of the assets of pension funds. At least one head of a bank's administration must speak the Lithuanian language.

Existing measures:

LT: Law on Banks of the Republic of Lithuania of 30 March 2004 No IX-2085, as amended by the Law No XIII-729 of 16 November 2017;

Law on Collective Investment Undertakings of the Republic of Lithuania of 4 July 2003 No IX- 1709, as amended by the Law No XII-1872 of 20 December 2018;

Law on Supplementary Voluntary Pension Accumulation of the Republic of Lithuania of 3 June 1999 No VIII-1212 (as revised in Law No XII-70 of 20 December 2012);

Law on Payments of the Republic of Lithuania of 5 June 2003 No. IX-1596, last amendment 17 of October 2019 Nr. XTII-2488

Law on Payment Institutions of the Republic of Lithuania of 10 December 2009 No. XI-549 (new version of the Law: No XIH-1093 of 17 April 2018)

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ANNEX ON MOVEMENT OF NATURAL PERSONS FOR BUSINESS PURPOSES!

Article 1. Entry and Temporary Stay-related Procedural Commitments

Parties should ensure that the processing of applications for entry and temporary stay pursuant to their respective commitments in the Agreement follows good administrative practice. To that effect:

(a) Each Party shall ensure that fees charged by competent authorities for the processing of applications for entry and temporary stay do not unduly impair or delay trade in services under this Agreement.

(b) Subject to the competent authoritiesâ discretion, documents required from the applicant[s] for applications for the grant of entry and temporary stay of short-term visitors for business purposes should be commensurate with the purpose for which they are collected.

(c) Complete applications for the grant of entry and temporary stay shall be processed as expeditiously as possible.

(d) The competent authorities of a Party shall endeavor to provide, without undue delay, information in response to any reasonable request from an applicant concerning the status of an application.

(e) If the competent authorities of a Party require additional information from the applicant in order to process the application, they shall endeavor to notify, without undue delay, the applicant.

(f) The competent authorities of each Party shall notify the applicant of the outcome of the application promptly after a decision has been taken.

(g) If the application is approved, the competent authorities of each Party shall notify the applicant of the period of stay and other relevant terms and conditions.

(h) _ If the application is denied, the competent authorities of a Party shall, upon request or upon their own initiative make available to the applicant information on any available review and/or appeal procedures.

Gi) Parties shall endeavor to accept and process applications in electronic format.

Article 2.

Additional procedural commitments applying to intra-corporate transferees and their family membersâ

! The definitions included in Article 1(2) and Article 4(1)(5) of the Title on Investment Liberalisation and Trade in Services apply to this Annex.

Paragraphs 1, 2 and 3 do not apply for the Member States of the European Union that are not subject to the application of the Directive 2014/66/EU of the European Parliament and of the Council of 15

1. The competent authorities of each Party shall adopt a decision on the application for an intra- corporate transferee entry or temporary stay or a renewal of it and notify the decision to the applicant in writing, in accordance with the notification procedures under national law, as soon as possible but not later than 90 days from the date on which the complete application was submitted.

2. Where the information or documentation supplied in support of the application is incomplete, the competent authorities shall notify the applicant within a reasonable period of the additional information that is required and set a reasonable deadline for providing it. The period referred to in paragraph 1 shall be suspended until the competent authorities have received the additional information required.

3. The European Union shall extend to family members of natural persons of Chile who are intra-corporate transferees to the European Union, the right of temporary entry and stay granted to family members of an intra-corporate transferee under Article 19 of the ICT Directive;

4. Chile shall grant to family members of natural persons of the European Union who are Business Visitors for Establishment Purposes, Investors, Intra-corporate Transferees, Contractual Service Suppliers and Independent Professionals, a visa as a

dependent, which does not allow to undertake remunerated activities in Chile. Nevertheless, a family dependent may be permitted to perform a remunerated activity in Chile upon a separate application, under this Agreement or the general immigration rules, for their own visa as non-dependent. The application can be submitted and processed in Chile.

Article 3. Cooperation on Return and Readmission

1. The Parties acknowledge that the enhanced movement of natural persons following from the provisions of Articles 1 and 2 of the present Annex requires full cooperation on return and readmission of natural persons who do not or no longer fulfil the conditions for entry to, presence in or residence on the territory of the other Party.

2. To this end, a Party may suspend the application of the provisions of Articles 1 and 2 of the present Annex where it assesses that the other Party does not observe its obligation under international law to readmit its nationals without conditions. The Parties reaffirm their understanding that such assessment is not subject to review under Chapter X [Dispute Settlement].

May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer ("ICT Directive").

ANNEX XX

CODE OF CONDUCT FOR PANELLISTS AND MEDIATORS

L Definitions

In this Code of Conduct:

(a) "administrative staff" means, in respect of a panellist, individuals under the direction and control of a panellist, other than assistants;

(b) âassistantâ means an individual who, under the terms of appointment of a panellist, conducts research or provides assistance to that panellist;

(c) "candidate" means an individual whose name is on the list of panellists referred to in Article X.6 (Lists of Panellists) of Chapter [X] (Dispute Settlement) and who is under consideration for selection as a panellist under Article X.5 (Establishment of a Panel) of Chapter [X] (Dispute Settlement);

(d) "mediator" means an individual who has been selected as mediator in accordance with Article X.28 (Selection of a Mediator) of Chapter [X] (Dispute Settlement); and

(e) âpanellistâ means a member of a panel.

IL. Governing Principles

In order to preserve the integrity and impartiality of the dispute settlement mechanism, each candidate and panellist shall:

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get acquainted with this Code of Conduct;

be independent and impartial;

avoid direct or indirect conflicts of interests;

avoid impropriety and the appearance of impropriety or bias; observe high standards of conduct; and

not be influenced by self-interest, outside pressure, political considerations, public clamour, and loyalty to a Party or fear of criticism.

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A panellist shall not, directly or indirectly, incur any obligation or accept any benefit that would in any way interfere, or appear to interfere, with the proper performance of his or her duties.

A panellist shall not use his or her position on the panel to advance any personal or private interests. A panellist shall avoid actions that may create the impression that others are in a special position to influence him or her.

A panellist shall not allow past or existing financial, business, professional, personal, or social relationships or responsibilities to influence his or her conduct or judgement. A panellist shall avoid entering into any relationship or acquiring any financial interest

that is likely to affect his or her impartiality, or that might reasonably create an appearance of impropriety or bias.

If. Disclosure obligations

A candidate requested to serve as a panellist under Article X.5 (Establishment of a Panel) of Chapter [X] (Dispute Settlement) shall, prior to the acceptance of his or her appointment, disclose any interest, relationship or matter that is likely to affect his or her independence or impartiality, or that might reasonably create an appearance of impropriety or bias in the proceedings. To this end, a candidate shall make all reasonable efforts to become aware of any such interests, relationships and matters, including financial, professional, employment or family interests.

The disclosure obligation under paragraph 8 is a continuing duty which requires a panellist to disclose any such interests, relationships or matters that may arise during any stage of the proceedings.

A candidate or a panellist shall communicate to the [institutional body to be defined] for consideration by the Parties any matters concerning actual or potential violations of this Code of Conduct at the earliest time he or she becomes aware of them.

IV. Duties of Panellists

Upon acceptance of his or her appointment, a panellist shall be available to perform and shall perform his or her duties thoroughly and expeditiously throughout the proceedings and with fairness and diligence.

A panellist shall consider only the issues raised in the proceedings and necessary for a decision and shall not delegate this duty to any other person.

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A panellist shall take all appropriate steps to ensure that his or her assistants and administrative staff are aware of, and comply with, the obligations incurred by panellists under Parts II, I, IV and VI of this Code of Conduct.

VY. Obligations of Former Panellists Each former panellist shall avoid actions that may create the appearance that he or she was biased in carrying out the duties or derived advantage from the decision of the panel.

Each former panellist shall comply with the obligations under Part VI of this Code of Conduct.

VI. Confidentiality

A panellist shall not disclose, at any time, any non-public information concerning the proceedings or acquired during the proceedings for which he or she has been appointed. A panellist shall not, in any case, disclose or use such information to gain personal advantage or advantage for others or to adversely affect the interest of others.

A panellist shall not disclose a decision of the panel or parts thereof prior to its publication in accordance with Chapter [X] (Dispute Settlement).

A panellist shall not, at any time, disclose the deliberations of a panel, or any panellist's view, nor make any statements on the proceedings for which he or she has been appointed, or on the issues in dispute in the proceedings.

VII. Expenses Each panellist shall keep a record and render a final account of the time devoted to the

proceedings and of his or her expenses, as well as the time and expenses of his or her assistants and administrative staff.

VIII. Mediators

This Code of Conduct shall apply to mediators, mutatis mutandis.

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ANNEX X

RULES OF PROCEDURE L DEFINITIONS 1. In Chapter [...] and under these Rules of Procedure:

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(a) "administrative staff", in respect of a panellist, means individuals under the direction and control of a panellist, other than assistants;

(b) âadviserâ means an individual retained by a Party to advise or assist that Party in connection with the panel proceedings;

(c) âassistantâ means an individual who, under the terms of appointment and under the direction and control of a panellist, conducts research or provides assistance to that panellist;

(d) âcomplaining Partyâ means any Party that requests the establishment of panel under Article [X.4] (Initiation of Panel Procedures) of Chapter [X] (Dispute Settlement);

(e) âdayâ means a calendar day;

(f) âpanelâ means a panel established under Article [X.5] (Establishment of a Panel) of Chapter [X] (Dispute Settlement);

(g) âpanellistâ means a member of a panel;

(h) âParty complained againstâ means the Party that is alleged to be in violation of the covered provisions;

@ ârepresentative of a Partyâ means an employee or any individual appointed by a government department, agency or any other public entity of a Party who represents the Party for the purposes of a dispute under [part XX] of this Agreement.

NOTIFICATIONS Any request, notice, written submission or other document of: the panel shall be sent to both Parties at the same time; a Party which is addressed to the panel shall be copied to the other Party at the same time; and a Party which is addressed to the other Party shall be copied to the panel at the same time, as appropriate.

Any notification referred to under rule 2 shall be made by e-mail or, where appropriate, any other means of telecommunication that provides a record of the sending thereof. Unless proven otherwise, such notification shall be deemed to be delivered on the date of its sending.

4, All notifications shall be addressed to the Directorate-General for Trade of the Commission of the Union and to the General Directorate of International Economic Affairs of Chile, or their successors, respectively.

5, Minor errors of a clerical nature in a request, notice, written submission or other document related to the panel proceedings may be corrected by delivery of a new document clearly indicating the changes.

6. If the last day for delivery of a document falls on a public holiday of the European Commission or of Chile the time period for the delivery of the document shall end on the first following business day.

II. Appointment of Panellists

If pursuant to Article [X.5] (Establishment of a Panel) of Chapter [X] (Dispute Settlement) a panellist or a chairperson is selected by lot, the co-chair of the Joint Committee of the complaining Party shall promptly inform the co-chair of the Party complained against of the date, time and venue of the lot. The Party complained against may, if it so chooses, be present during the lot. In any event, the lot shall be carried out with the Party or Parties that are present.

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8. The co-chair of the Joint Committee of the complaining Party shall notify, in writing, each individual who has been selected

to serve as a panellist of his or her appointment. Each individual shall confirm his or her availability to both Parties within five days from the date on which he or she was informed of his or her appointment.

9. The co-chair of the Joint Committee of the complaining Party shall select by lot the panellist or chairperson, within five days from the expiry of the time period referred to in paragraph 2 of Article [X.5] (Establishment of a Panel), if any of the sub-lists referred in paragraph 1 of Article [X.6] (List of Panellists):

(a) is not established, amongst those individuals who have been formally proposed by one or both Parties for the establishment of that particular sub-list; or

(b) does not contain any longer at least five individuals, amongst those individuals who remain on that particular sub-list.

10. The Parties shall endeavour to ensure that, at the latest by the time all the panellists have accepted their appointment in accordance with Article [X.5(5) (Establishment of a Panel), they have agreed on the remuneration and the reimbursement of expenses of the panellists and assistants, and have prepared the necessary appointment contracts, with a view to having them signed promptly. The remuneration and expenses of the panellists shall be based on WTO standards. The remuneration and expenses of an assistant or assistants of a panellist shall not exceed 50% of the remuneration of that panellist.

IV. Organisational Meeting

10. Unless the Parties agree otherwise, they shall meet the panel within seven days of its establishment in order to determine such matters that the Parties or the panel deem appropriate, including the timetable of the proceedings. Panellists and representatives of the Parties may take part in this meeting via telephone or video conference.

Vv. Written Submissions

11. The complaining Party shall deliver its written submission no later than 20 days after the date of establishment of the panel. The Party complained against shall deliver its written submission no later than 20 days after the date of delivery of the written submission of the complaining Party.

VI.â Operation of the Panel

12. The chairperson of the panel shall preside at all its meetings. The panel may delegate to the chairperson the authority to make administrative and procedural decisions.

13. Unless otherwise provided in Chapter [X] (Dispute Settlement) or in these Rules of Procedure, the panel may conduct its activities by any means, including telephone, video-conference or other electronic means of communication.

14, Only panellists may take part in the deliberations of the panel, but the panel may permit their assistants to be present at its deliberations.

15. The drafting of any decision and report shall remain the exclusive responsibility of the panel and shall not be delegated.

16. Where a procedural question arises that is not covered by the Chapter [X] (Dispute Settlement) and its Annexes, the panel, after consulting the Parties, may adopt an appropriate procedure that is compatible with those provisions.

17. When the panel considers that there is a need to modify any of the time periods for the proceedings other than the time periods set out in Chapter [X] (Dispute Settlement) or to make any other procedural or administrative adjustment, it shall inform the Parties, in writing of the time period or adjustment needed and the reasons therefor. The panel may adopt the modification or adjustment after consultation of the Parties.

VIL Replacement

18. When a Party considers that a panellist does not comply with the requirements of Annex XX (Code of Conduct for Panellists and Mediators) and for this reason should be replaced, that Party shall notify the other Party within 15 days from the time at which it obtained sufficient evidence of the panellist's alleged failure to comply with the requirements of Annex XX (Code of Conduct for Panellists and Mediators).

19. The Parties shall consult within 15 days from the delivery of that notification. They shall inform the panellist of its alleged failure and they may request the panellist to take steps to ameliorate the failure. They may also, if they so agree, remove the panellist and select a new panellist in accordance with Article X.5 (Establishment of Panels) of Chapter [X] (Dispute Settlement).

20. If the Parties fail to agree on the need to replace the panellist, other than the chairperson of the panel, either Party may

refer this matter to the chairperson of the panel, whose decision shall be final.

If the chairperson of the panel finds that the panellist does not comply with the requirements of Annex XX (Code of Conduct for Panellists and Mediators), the new panellist shall be selected in accordance with Article X.5 (Establishment of Panels) of Chapter [X] (Dispute Settlement).

21. If the Parties fail to agree on the need to replace the chairperson, either Party may request that this matter be referred to one of the remaining members of the pool of individuals from the sub-list of chairpersons established under Article X.6 (Lists of Panellists) of Chapter [X] (Dispute Settlement). His or her name shall be drawn by lot by the co-chair of the Joint Committee from the requesting Party, or the chair's delegate. The decision by the selected person on the need to replace the chairperson shall be final.

If this person finds that the chairperson does not comply with the requirements of Annex

XX (Code of Conduct for Panellists and Mediators), the new chairperson shall be selected in accordance with Article X.5 (Establishment of Panels) of Chapter [X] (Dispute Settlement).

VII. Hearings

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22. Based upon the timetable determined pursuant to rule 10, after consulting with the Parties and the other panellists, the chairperson of the panel shall notify the Parties the date, time and venue of the hearing. This information shall be made publicly available by the Party in which the hearing takes place, unless the hearing is closed to the public.

23. Unless the Parties agree otherwise, the hearing shall be held in Brussels if the complaining Party is Chile and in Santiago if the complaining Party is the Union. The Party complained against shall bear the expenses derived from the logistical administration of the hearing. In duly justified circumstances and at the request of a Party, the panel may decide to hold a virtual or hybrid hearing and make appropriate arrangements, after consulting both Parties, taking into account the rights of due process and the need to ensure transparency.

24, The panel may convene additional hearings if the Parties so agree. 25. All panellists shall be present during the entirety of the hearing.

Unless the Parties agree otherwise, the following persons may attend the hearing, irrespective of whether the hearing is open to the public or not:

(a) representatives of a Party;

(b) advisers;

(c) assistants and administrative staff;

(d) interpreters, translators and court reporters of the panel; and

(e) experts, as decided by the panel pursuant to paragraph 2 of Article [21] (Receipt of Information) of Chapter [X] (Dispute Settlement).

27. No later than five days before the date of a hearing, each Party shall deliver to the panel and to the other Party a list of the names of persons who will make oral arguments or presentations at the hearing on behalf of that Party and of other representatives and advisers who will be attending the hearing.

The panel shall conduct the hearing in the following manner, ensuring that the complaining Party and the Party complained against are afforded equal time in both argument and rebuttal argument:

Argument (a) argument of the complaining Party; (b) argument of the Party complained against. Rebuttal Argument (a) _ reply of the complaining Party; (b) _ counter-reply of the Party complained against. 29. The panel may direct questions to either Party at any time during the hearing.

30. The panel shall arrange for a recording of the hearing to be prepared and delivered to the Parties as soon as possible after the hearing.

31. Each Party may deliver a supplementary written submission concerning any matter that arose during the hearing within 10 days after the date of the hearing.

IX. Questions in Writing

32. The panel may at any time during the proceedings submit questions in writing to one or both Parties. Any questions submitted to one Party shall be copied to the other Party.

33. Hach Party shall provide the other Party with a copy of its responses to the questions submitted by the panel. The other Party shall have an opportunity to provide comments in writing on the Partyâs responses within five days after the delivery of such copy.

X. Confidentiality

34. | Each Party and the panel shall treat as confidential any information submitted by the other Party to the panel that the other Party has designated as confidential. When a Party submits to the panel a written submission which contains confidential information, it shall also provide, within 15 days, a submission without the confidential information and which shall be disclosed to the public.

35. Nothing in these Rules of Procedure shall preclude a Party from disclosing statements of its own positions to the public to the extent that, when making reference to information submitted by the other Party, it does not disclose any information designated by the other Party as confidential.

36. The panel hearings shall be held in closed session when the submission and arguments of a Party contains confidential information. The Parties shall maintain the confidentiality of the panel hearings when the hearings are held in closed session.

XL Ex parte contacts 37. The panel shall not meet or communicate with a Party in the absence of the other Party.

38. A panellist shall not discuss any aspect of the subject matter of the proceedings with one Party or both Parties in the absence of the other panellists.

XII. Amicus curiae submissions

39. Unless the Parties agree otherwise within five days of the date of the establishment of the panel, the panel may receive unsolicited written submissions from natural of a Party or juridical persons established in the territory a Party who are independent from the governments of the Parties, provided that they:

(a) are received by the panel within 10 days of the date of the establishment of the panel;

(b) are concise and in no case longer than 15 pages, including any annexes, typed at double space;

(c) are directly relevant to a factual or a legal issue under consideration by the panel;

(d) contain a description of the person making the submission, including for a natural person his or her nationality and for a legal person its place of establishment, the nature of its activities, its legal status, general objectives and its source of financing;

ff) specify the nature of the interest that the person has in the panel proceedings; and

(g) are drafted in the languages chosen by the Parties in accordance with rules 43 and 44 of these Rules of Procedure.

40. The submissions shall be delivered to the Parties by the panel for their comments. The Parties may submit comments, within 10 days of the delivery, to the panel.

41. The panel shall list in its report all the submissions it has received pursuant to rule 39. The panel shall not be obliged to address in its report the arguments made in such submissions, however, if it does, it shall also take into account any comments made by the Parties pursuant to rule 40.

XII. Urgent cases

42. _âIncases concerning matters of urgency referred to in Article X.10 (Decision of Urgency) of Chapter [X] (Dispute Settlement), the panel, after consulting the Parties, shall adjust, as appropriate, the time periods referred to in these Rules of Procedure. The panel shall notify the Parties of those adjustments.

XIV. Working language and translations

43. During the consultations referred to in Article X.3 of Chapter [X] (Dispute Settlement), and no later than the meeting referred to in rule 10 of these Rules of Procedure, the Parties shall endeavour to agree on a common working language for

the proceedings before the panel.

44. If the Parties are unable to agree on a common working language, each Party shall make its written submissions in its chosen language. Each Party shall provide at the same time a translation in the language chosen by the other Party, unless its submissions are written in one of the working languages of the WTO. The Party complained against shall arrange for the interpretation of oral submissions into the languages chosen by the Parties.

45. Panel reports and decisions shall be issued in the language or languages chosen by the Parties. If the Parties have not agreed on a common working language, the interim and final report of the panel shall be issued in one of the working languages of the WTO.

46. Any Party may provide comments on the accuracy of the translation of any translated version of a document drawn up in accordance with these Rules of Procedure.

47. Each Party shall bear the costs of the translation of its written submissions. Any costs incurred for translation of a ruling shall be borne equally by the Parties.

XV. Special time periods

48. The time periods laid down in these Rules of Procedure shall be adjusted in line with the special time periods provided for the adoption of a report or decision by the panel in the proceedings under Article X.14 (Reasonable Period of Time), Article X.15 (Compliance Review), Article X.16 (Temporary Remedies) and Article X.17 (Review of any Measure taken to comply after the Adoption of Temporary Remedies) of Chapter [X] (Dispute Settlement).

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