

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, MFN, 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];
 - (ii) Article FS [Most favoured nation treatment];
 - (iii) 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) 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;

2. 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) 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.

(b) Section B only contains non-discriminatory limitations on market access. Discriminatory limitations are scheduled in Sections C or D.

(c) The reservations of a Party are without prejudice to the rights and obligations of the Parties under GATS.

6. In Sections C and D, each reservation sets out the following elements:

(a) "sub-sector" refers to the specific sector in which the reservation is taken;

(b) "type of reservation" or "obligation concerned" specifies the obligation referred to in paragraphs 1 or 2 for which a reservation is taken;

(c) "level of government" indicates the level of government maintaining the measure for which a reservation is taken;

(d) 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;
 - (ii) includes any subordinate measure adopted or maintained under the authority of and consistent with the measure; and
 - (iii) 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) "description" 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 – within the territory to which it applies – 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 "description" 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 Åland 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 natural persons that participate in the Chilean financial market, [EU: may] [CL: can] be regulated, supervised and authorised by the Comisión 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 – 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	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))]
CMF	Comisión para el Mercado Financiero (Financial Market Commission)

RESERVATIONS AND MARKET ACCESS COMMITMENTS

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, MFN, National treatment and Market Access]] apply;

Insurance and insurance-related services

In EU, except CY, EE, LV, LT, MT and PL:

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;
3. services auxiliary to insurance as described in sub-subparagraph (iv) of the definition of insurance and insurance-related services in Article 13.1; and
4. insurance intermediation, such as brokerage and agency, of insurance risks related to the services listed in subparagraphs (a) and (b).

In CY:

1. 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;
2. insurance intermediation;
3. reinsurance and retrocession; 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 EE:

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
2. 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;
2. lending of all types;
3. financial leasing;
4. all payment and money transmission services;
5. guarantees and commitments;
6. 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.

In MT:

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:

1. acceptance of deposits;
2. lending of all types;
3. guarantees and commitments;
4. money broking;
5. 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

financial services (excluding insurance) in Article 13.1, but not intermediation as described in that sub-subparagraph.

In SI:

1. lending of all types;
2. the acceptance of guarantees and commitments from foreign credit institutions by domestic legal entities and sole proprietors;
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 sub-subparagraph.

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 Financiară – 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.

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.

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 – 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 practice 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 – National treatment, Cross-border trade in financial services – 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 – National treatment

In PL: For pension funds. 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).

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 Ordenación, Supervisión 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 16th.

With respect to Investment liberalisation – 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:

AT: Insurance Supervision Act 2016, Article 14 para. 1 no. 3, Federal Law Gazette I No. 34/2015 (Versicherungsaufsichtsgesetz 2016, § 14 Abs. 1 Z 3, BGBl. 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 – 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 Ordenación, Supervisión y Solvencia de Entidades Aseguradoras y Reaseguradoras (RD 1060/2015, de 20 de noviembre de 2015), article 36.

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 9th.

With respect to Investment – National treatment and Cross-border trade in financial services – 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 – 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 – 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 – 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.

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, § 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. lovbekendtgørelse 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. IX-1737, last amendment 13 of June 2019 Nr. XIII-2232.

SE: Lag om försäkringsdistribution (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.

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 liberalisation – National treatment and Cross-border trade in financial services – 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 – National treatment and Cross-border trade in financial services – 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).

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 – 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 VII, 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 Council¹.

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

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 liberalisation – 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 – 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 121e; and
Currency Law, article 3.

With respect to Investment liberalisation – 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.

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 – 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.

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 – 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 – National treatment and Cross-border trade in financial services – Local presence:

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 vakuutusyhtiöistä (Act on Foreign Insurance Companies) (398/1995);
Vakuutusyhtiölaki (Insurance Companies Act) (521/2008);
Laki vakuutusten tarjoamisesta (Act on Insurance Distribution) (234/2018).

With respect to Cross-border trade in financial services – 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),

With respect to Investment liberalisation – National treatment and Cross-border trade in financial services – 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 liberalisation – National treatment and Cross-border trade in services – 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 liberalisation – 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:

FI: Laki ulkomaisista vakuutusyhtiöistä (Act on Foreign Insurance Companies) (398/1995);
Vakuutusyhtiölaki (Insurance Companies Act) (521/2008);
Laki vakuutusedustuksesta (Act on Insurance Mediation) (570/2005);
Laki vakuutusten tarjoamisesta (Act on Insurance Distribution) (234/2018) and
Laki työeläkevakuutusyhtiöistä (Act on Companies providing statutory pension insurance)
(354/1997).

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 – 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 Council²; and
Directive 2011/61/EU of the European Parliament and of the Council of 8 June 2011³.

With respect to Cross-border trade in financial services – 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:

EE: Krediitiasutuste seadus (Credit Institutions Act) § 206 and §21.

With respect to Investment liberalisation –National 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 osakeyhtiömuotoisista luottolaitoksista (Act on Commercial Banks and Other Credit Institutions in the Form of a Limited Company) (1501/2001);

Säästöpankkilaki (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 hypoteekkiyhdistyksistä (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 liberalisation – 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:

IT: Articles 91-111 of Consob Regulation on Intermediaries (no. 16190 of 29 October 2007).

With respect to Cross-border trade in financial services – 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 XIII-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. XIII-2488

Law on Payment Institutions of the Republic of Lithuania of 10 December 2009 No. XI-549 (new version of the Law: No XIII-1093 of 17 April 2018)