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**Annex III**

## CHILE

## SCHEDULE OF SPECIFIC COMMITMENTS AND LIMITATIONS ON MARKET ACCESS

**Annex III Limitations on market access**

Sector or subsector	Limitations on Market Access
<b>No. 1 All sectors</b>	
<i>a) State company</i>	<p>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.</p> <p>A "State company" 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.</p>
<i>b) Public Utilities</i>	

	<p>Public utilities exist in sectors such as related scientific and technical consulting services, research and development (R&amp;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.</p>
<p><i>c) Acquisition of real estate</i></p>	<p>In Chile unbound for the acquisition of “State Land”, “the borderland Zone” and any land within five kilometers of the coastline that is used for agricultural activities as indicated in Annexes I and II.</p> <p>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.</p>
<p><i>d) Commercial Presence</i></p>	<p>This Schedule shall not apply to representative offices.</p>
<p><i>e) Indigenous peoples</i></p>	<p>Chile reserves the right to adopt or maintain any measure regarding Indigenous peoples.</p>
<p><i>f) Disadvantaged minorities</i></p>	<p>Chile reserves the right to adopt or maintain any measure according rights or preferences to socially or economically disadvantaged minorities.</p>

Sector or subsector	Limitations on Market Access
<b>No. 2 Manufacturing</b>	
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 n.e.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

<b>Sector or subsector</b>	<b>Limitations on Market Access</b>
<b>No. 3 Mining and Quarrying</b>	
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 ( <i>beneficio</i> ) 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

	<p>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</p> <p>Furthermore, only the Chilean Nuclear Energy Commission (<i>Comisión Chilena de Energía Nuclear</i>), 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.</p>
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Sector or subsector	Limitations on Market Access
<b>No. 4 Agriculture</b>	
Agriculture and Hunting, excluding services (ISIC rev 3.1 A 01).	None
Forestry excluding services (ISIC rev 3.1 A 02)	None  For greater certainty, a management plan approved by the Forestry Commission is required.

Sector or subsector	Limitations on Market Access
<b>No. 5 Energy</b>	
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 Eléctrico Nacional). The following limitations shall apply:

40, 401, 4010) excluding services

Only a specific type of public corporations, open or closed (sociedad anónima abierta o cerrada) incorporated in Chile is authorized to operate concessions in energy distribution. Such corporation's exclusive line of business must be energy distribution.

Only a specific type of public corporations, open or closed (sociedad anónima abierta o cerrada) incorporated in Chile is authorized to operate concessions in energy transmission for the National Transmission system. Such corporation's 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.
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<b>No. 6 Fishing</b>	
Fishing, operation of fish hatcheries and fish farms, excluding services  (ISIC rev 3.1 B 05)	Unbound.

<b>No. 7 Services</b>	
<i>Legal services</i> (part of CPC 861)	<i>With respect to Investment and Cross-Border Trade in Services:</i>  <i>Legal services:</i>  (1) and (3) None, except in the case of receivers in bankruptcy ( <i>síndicos de quiebra</i> ) who must be duly authorised by the Minister of Justice ( <i>Ministerio de Justicia</i> ), and they can only work in the place where they reside.  (2) None
<i>Accounting, auditing, and bookkeeping services</i> (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 Superintendencia of Banks and Financial Institutions ( <i>Superintendencia de Bancos e Instituciones Financieras</i> ) and in the Superintendencia of Securities and Insurance ( <i>Superintendencia de Valores y Seguros</i> ). Only firms legally incorporated in Chile as partnerships ( <i>sociedades de personas</i> ) or associations ( <i>asociaciones</i> ), and whose main line of business is auditing services, may be inscribed in the Register. For (2): None.
<i>Taxation Services</i> (CPC 863)	(1), (2), and (3): None.

<i>Architectural services</i> (CPC 8671)	(1), (2) and (3) None
<i>Engineering services</i> (CPC 8672)	(1), (2) and (3) None
<i>Integrated engineering services</i> (CPC 86733)	(1), (2) and (3) None
<i>Urban planning and landscape architectural service</i> (CPC 8674)	(1), (2) and (3) None
<i>Veterinary services</i> (CPC 932)	(1), (2), and (3) None.
Services provided by midwives, nurses, physiotherapists and paramedical personnel (CPC 93191)	(1), (2), and (3) None.
<i>Computer related services</i> (CPC 841, 842, 843, 844 and 845)	(1), (2), and (3) None.
<i>Interdisciplinary Research and Development services, Research and Development services on natural sciences, and Related scientific and technical consulting services</i> (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 ( <i>andinismo</i> ), 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 ( <i>Dirección de Fronteras y Límites del Estado</i> ). 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



<p><i>Research and Development services on social sciences and humanities,</i> (CPC 852)</p>	(1), (2) and (3) None
<p><i>Real Estate services: involving owned or leased property or on a fee or contract basis</i> (CPC 821 and 822)</p>	(1), (2), and (3) None.
<p><i>Rental/leasing services without crew/operators, related to vessels, other transport equipment and Relating to other machinery and equipment</i> (CPC 8310, except 83104)</p>	(1), (2), and (3) None.

Leasing or rental services concerning aircraft (without operator) (CPC 83104)	(1), (2), and (3) None.
<i>Advertising services</i> (CPC 871)	(1), (2), and (3) None.
<i>Market research and public opinion polling services</i> (CPC 864)	(1), (2), and (3) None.
<i>Management consulting services</i> (CPC 865)	(1), (2), and (3) None.
<i>Services related to management consulting</i> (CPC 866 except 86602)	(1), (2), and (3) None.
<i>Technical testing and analysis services</i> (CPC 8676)	(1), (2), and (3) None.
<i>Services related to agriculture, hunting and forestry</i> (CPC 881)	(1), (2), and (3) None.
<i>Services related to mining</i> (CPC 883)	(1), (2), and (3) None.
<i>Placement and supply services of personnel</i>	(1), (2), and (3) None.

(CPC 87201, 87202, 87203)	
<i>Investigation and security services</i> (CPC 87302, 87303, 87304, 87305)	(1), (2), and (3) None.
<i>Maintenance and repair of equipment (not including vessels, aircraft, or other transport equipment)</i> (CPC 633)	(1), (2), and (3) None.
<i>Building-cleaning services</i> (CPC 874)	(1), (2), and (3) None.
<i>Photographic services</i> (CPC 875)	(1), (2), and (3) None.
<i>Packing services</i> (CPC 876)	(1), (2), and (3) None.
<i>Credit reporting services, collection agency services</i> (CPC 87901, 87902)	(1), (2), and (3) Unbound.
<i>Telephone answering services</i> (CPC 87903)	(1), (2), and (3) None.
<i>Duplicating services</i> (CPC 87904)	(1), (2), and (3) None.
<i>Translation and interpretation services</i> (CPC 87905)	(1), (2), and (3) None, except official translations, official certifications of translations, and certified copies of official documents in foreign languages may only be provided by Official translators registered under Chilean authorities.
<i>Mailing list compilation and mailing services</i>	(1), (2), and (3) None .

(CPC 87906)	
<i>Specialty design services</i> (CPC 87907)	(1), (2), and (3) None.
<i>Other business services n.e.c.</i> (CPC 87909)	(1), (2), and (3) Unbound.
<i>Printing and publishing services:</i> (CPC 88442)	(1), (2), and (3) None.
<i>Convention services</i> (CPC 87909)	(1), (2), and (3) None.
<i>Postal services</i> (CPC 7511)	(1), (2), and (3) Unbound.
<i>Courier services</i> (CPC 7512) Services relating to the handling <sup>1</sup> of postal items <sup>2</sup> according to the following list of sub-sectors, whether for domestic or foreign destinations: (i) Handling of addressed written communications on any kind of physical medium <sup>3</sup> , including - Hybrid mail service - Direct mail (ii) Handling of addressed parcels and packages <sup>4</sup>	(1), (2), (3) None, except: That under <i>Decreto Supremo N° 5037</i> of 4 November 1960 of the Ministry of Internal Affairs (“ <i>Ministerio del Interior</i> ”) and <i>Decreto con Fuerza de Ley N°10</i> of 30 January 1982 of the Ministry of Transports and Telecommunications (“ <i>Ministerio de Transporte y Telecomunicaciones</i> ”) or its successors, the State of Chile may exercise, through the <i>Empresa de Correos de Chile</i> , a monopoly on the admission, transport and delivery of postal items (“ <i>objetos de correspondencia</i> ”). 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 ( <i>fonos postales</i> ).

<sup>1</sup> The term “handling” should be taken to include admission (“*admisión*”), transport (“*transporte*”) and delivery (“*entrega*”).

<sup>2</sup> “Postal item” refers to items handled by any type of commercial operator, whether public or private.

<sup>3</sup> E.g. letter, postcards.

<sup>4</sup> Books, catalogues are included hereunder.

<p>(iii) Handling of addressed press products<sup>5</sup></p> <p>(iv) Handling of items referred to in (i) to (iii) above as registered or insured mail</p> <p>(v) Express delivery services<sup>6</sup> for items referred to in (i) to (iii) above</p> <p>(vi) Handling of non-addressed items</p> <p>(vii) Other services not elsewhere specified</p>	
<p><i>International long-distance telecommunications services:</i></p>	<p>(1), (2), and (3) None.</p>
<p><i>Local basic telecommunication services and networks, intermediate telecommunications services, supplementary telecommunications services, and limited telecommunications services</i></p>	<p>(1), (2), and (3) None.</p>
<p><i>Construction services</i> (CPC 511, 512, 513, 514, 515, 516, 517 and 518)</p>	<p>(1), (2), and (3) Unbound.</p>

<sup>5</sup> Journals, newspapers, periodicals.

<sup>6</sup> 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.

<u>Commission agent's services</u> (CPC 621)	(1), (2), and (3) None.
<u>Wholesale trade services</u> (CPC 622) (CPC 61111) (CPC 6113) (CPC 6121)	(1), (2), and (3) None.
<u>Retailing services</u> (CPC 632) (CPC 61111) (CPC 6113) (CPC 6121)	(1), (2), and (3) None.
<u>Franchising</u> (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 – 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.

<i>Hotels and restaurants (including catering) (CPC 641, 642 and 643)</i>	(1), (2), and (3) None.
<i>Travel agencies and tour operators services (CPC 74710)</i>	(1), (2), and (3) None.
<i>Tourist guide services (CPC 74720)</i>	(1), (2), and (3) None.
<i>Entertainment services (including theatre, live bands and circus services) (CPC 9619)</i>	(1), (2), and (3) None.
<i>Libraries, archives, museums and other cultural services (CPC 963)</i>	(1), (2), and (3) None.
<i>Entertainment services, theatre, live bands and circus services (CPC 9619, 964 other than 96492)</i>	(1), (2), and (3) Unbound.
<i>News agency services (CPC 962)</i>	(1), (2), and (3) Unbound.
<i>Sporting and other Recreational Services (CPC 9641)</i>	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.
<i>Gambling and betting services</i>	(1), (2), and (3) Unbound.

(CPC 96492)	
<i>Other recreational services</i> <i>n.e.c.</i> (CPC 96499)	(1), (2), and (3) None.



<p><i>Maritime Transport Services</i> (CPC 721)</p> <p>a. <i>Passenger transportation</i> (CPC 7211)</p> <p>b. <i>Freight transportation</i> (CPC 7212)</p> <p><i>Loading and unloading services</i> (CPC 741)</p> <p><i>Storage and warehouse services</i> (CPC 742)</p> <p>c. <i>Rental/Leasing of vessels including crew</i> (CPC 7223)</p> <p>d. <i>Maintenance and repair of vessels</i> (CPC 8868)</p> <p>e. <i>Pushing and towing services</i> (CPC 72140)</p> <p>f. <i>Support services related to maritime transport</i> (CPC 745)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3)</p> <p>(a) Establishment of registered company for the purpose of operating a fleet under the national flag of Chile: Unbound.</p> <p>(b) Other forms of commercial presence for the supply of international maritime transport services<sup>7</sup> None:</p>
<p><i>Internal Waterways Transport</i> (CPC 722)</p>	<p>(1), (2), and (3) Unbound.</p>

<sup>7</sup> “Other forms of commercial presence for the supply of international maritime transport services” 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

<i>Rail transport and auxiliary services to rail transport</i>	(1), (2), and (3) Unbound.
<i>Road transport services: Freight Transportation</i> (CPC 7123)	(1), (2), (3) None
<i>Road transport services: Rental of commercial vehicles with operator</i> (CPC 71222 – Rental services of passenger cars with operator)	(1) None (2) None (3) None
<i>Road transport services: Maintenance and repair of road transport equipment</i> (CPC 6112 – Maintenance and repair services of motor vehicles)	(1) None (2) None (3) None
<i>Road transport services: Supporting services for road transport services</i>	(1) None (2) None (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 – Bus station services)	
<i>Services auxiliary to all modes of transport: Cargo handling services</i> (CPC 741)	(1) None (2) None (3) None
<i>Services auxiliary to all modes of transport: Storage and warehouse services</i> (CPC 742)	(1) None (2) None (3) None
<i>Services auxiliary to all modes of transport: Freight transport agency services</i> (CPC 748)	(1) None (2) None (3) None
<i>Pipeline transport: transportation of fuels and other goods</i> (CPC 7131)	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 be subject to a concession on a national treatment basis.
<i>Aircraft repair and maintenance services:</i>	(1) Unbound. (2) and (3) None.
<i>Selling and marketing of air transport services</i>	(1), (2) and (3) None.
<i>Computer reservation systems (CRS) services</i>	(1), (2) and (3) None.
<i>Ground handling services</i>	(1), (2) and (3) None.
<i>Specialty air services</i>	(1), (2), and (3) Unbound.
<i>Space transport and rental of space craft</i>	(1), (2), and (3) Unbound.