

ANNEX VIII

(Referred to in Article 120)

SCHEDULE OF SPECIFIC COMMITMENTS ON FINANCIAL SERVICES

PART A

COMMUNITY'S SCHEDULE

Introductory Note

1. The specific commitments in this schedule apply only to the territories in which the Treaties establishing the Community are applied and under the conditions laid down in these Treaties. These commitments apply only to the relations between the Communities and their Member States on the one hand, and non-Community countries on the other. They do not affect the rights and obligations of Member States arising from Community law.

2. The following abbreviations are used to indicate the Member States:

A Austria
B Belgium
I Italy
D Germany
IRL Ireland
DK Denmark
L Luxembourg
E Spain
NL The Netherlands
F France
FIN Finland
P Portugal
GR Greece
S Sweden
UK United Kingdom

“Subsidiary” of a legal person means a legal person which is effectively controlled by another legal person.

“Branch” of a legal person means a place of business not having legal personality which has the appearance of permanency, such as the extension of a parent body, has a management and is materially equipped to negotiate business with third parties so that the latter, although knowing that there will if necessary be a legal link with the parent body, the head office of which is abroad, do not have to deal directly with such parent body but may transact business at the place of business constituting the extension.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
I. HORIZONTAL COMMITMENTS			
ALL SECTORS INCLUDED IN THIS SCHEDULE			
	3) In all EC Member States ¹ services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators ² .	3) a) Treatment accorded to subsidiaries (of Chilean companies) formed in accordance with the law of a Member State and having their registered office, central administration or principal place of business within the Communities is not extended to branches or agencies established in a Member State by a Chilean company. However, this does not prevent a Member State from extending this treatment to branches or agencies established in another Member State by a Chilean company or firm, as regards their operation in the first Member State's territory, unless such extension is explicitly prohibited by Community law.	
		b) Treatment less favourable may be accorded to subsidiaries (of Chilean companies) formed in accordance with the law of a Member State which have only their registered office or central administration in the territory of the Communities, unless it can be shown that they possess an effective and continuous link with the economy of one of the Member States.	
		<u>Formation of Legal Entity</u> 3) S: A limited liability company (joint stock company) may be established by one or several founders. A founding party shall either reside	

¹ In the case of Austria, Finland and Sweden no horizontal reservation has been taken for services considered as public utilities.

² Explanatory Note: Public utilities exist in sectors such as related scientific and technical consulting services, R&D services on social sciences and humanities, technical testing and analysis services, environmental services, health services, transport services and services auxiliary to all modes of transport. Exclusive rights on such services are often granted to private operators, for instance operators with concessions from public authorities, subject to specific service obligations. Given that public utilities often also exist at the sub-central level, detailed and exhaustive sector-specific scheduling is not practical.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
		within the EEA (European Economic Area) or be an EEA legal entity. A partnership can only be a founding party if each partner resides within the EEA ¹ . Corresponding conditions prevail for establishment of all other types of legal entities.	
	<u>Law on Foreign Companies' Branches</u> 3) S: A foreign company (which has not established a legal entity in Sweden) shall conduct its commercial operations through a branch, established in Sweden with independent management and separate accounts. S: Building projects with a duration of less than a year are exempted from the requirements of establishing a branch or appointing a resident representative.	<u>Law on Foreign Companies' Branches</u> 3) S: The managing director and at least 50 per cent of the members of the board shall reside within the EEA (European Economic Area). S: The managing director of a branch shall reside within the EEA (European Economic Area)². S: Foreign or Swedish citizens not residing in Sweden, who wishes to conduct commercial operations in Sweden, shall appoint and register with the local authority a resident representative responsible for such activities.	
	<u>Legal Entities:</u> 3) FIN: Acquisition of shares by foreign owners giving more than one third of the voting rights of a major Finnish company or a major business undertaking (with more than 1000 employees or with a turnover exceeding 1000 million Finnish markka or with a balance sheet total exceeding over 167 million euros) is subject to confirmation by the Finnish authorities ; the confirmation may be denied only if an important national interest would be jeopardized. FIN: At least half of the founders of a limited company need to be resident either in Finland or in one of the other EEA (European Economic Area) countries. Company exemptions may, however, be granted.	FIN: A foreigner living outside the European Economic Area and carrying on a trade as a private entrepreneur or as a partner in a Finnish limited or general partnership needs a trade permit. If a foreign organization or foundation which is resident outside the European Economic Area intends to carry on a business or trade by establishing a branch in Finland, a trade permit is required. FIN: If at least half of the members of the Board or the Managing Director are resident outside the European Economic Area, a permission is required. Company exemptions may, however, be granted.	
	<u>Real estate purchases:</u> DK: Limitations on real estate purchase by non-resident	<u>Real estate purchases:</u> A: The acquisition, purchase as well as rent or	

¹ Exceptions from these requirements may be granted, if it can be proved that residency is not necessary.

² Exceptions from these requirements may be granted, if it can be proved that residency is not necessary.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	physical and legal entities. Limitations on agricultural estate purchased by foreign physical and legal entities. GR: According to Law No. 1892/90 permission from the Minister of Defense is needed for a citizen to acquire land in areas near borders. According to administrative practices permission is easily granted for direct investment.	lease of real estate by foreign natural persons and legal persons requires an authorization by the competent regional authorities (Länder) which will consider whether important economic, social or cultural interests are affected or not. IRL: Prior written consent of the Land Commission is necessary for the acquisition of any interest in Irish land by domestic or foreign companies or foreign nationals. Where such land is for industrial use (other than agricultural industry), this requirement is waived subject to a certificate to this effect from the Minister for Enterprise and Employment. This law does not apply to land within the boundaries of cities and towns.	
		I: Unbound for purchase of real estate. FIN (<u>Åland Islands</u>): Restrictions on the right for natural persons who do not enjoy regional citizenship in Åland, and for legal persons, to acquire and hold real property on the Åland Islands without permission by the competent authorities of the islands. FIN (<u>Åland Islands</u>): Restrictions on the right of establishment and the right to provide services by natural persons who do not enjoy regional citizenship in Åland, or by any legal person, without permission by the competent authorities of the Åland Islands.	
	<u>Investments:</u> F: Foreign purchases exceeding 33,33 per cent of the shares of capital or voting rights in existing French enterprise, or 20 per cent in publicly quoted French companies, are subject to the following regulation: - after a period of one month following prior notification, authorization is tacitly granted unless the Minister of Economic Affairs has, in exceptional circumstances, exercised its right to postpone the investment.		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	F: Foreign participation in newly privatized companies may be limited to a variable amount, determined by the government of France on a case by case basis, of the equity offered to the public. E: Investment in Spain by foreign government and foreign public entities (which tends to imply, besides economic, also non-economic interests to entity's part), directly or through companies or other entities controlled directly or indirectly by foreign governments, need prior authorization by the government. P: Foreign participation in newly privatized companies may be limited to a variable amount, determined by the Government of Portugal on a case by case basis, of the equity offered to the public.		
	I: Exclusive rights may be granted or maintained to newly-privatized companies. Voting rights in newly privatized companies may be restricted in some cases. For a period of five years, the acquisition of large equity stakes of companies operating in the fields of defence, transport services, telecommunications and energy may be subject to the approval of the Ministry of Treasury. F: For establishing in certain¹ commercial, industrial or artisanal activities, a specific authorization is needed if the managing director is not holder of a permanent residence permit.		
		<u>Subsidies</u> Eligibility for subsidies from the European Communities or Member States may be limited to legal persons established within the territory of a Member State or a particular geographical sub-division thereof. Unbound for subsidies for research and development. Unbound for branches established in a Member State by a non-Community company. The supply of a	

¹ Commercial, industrial or artisanal activities relate to sectors such as: other business services, construction, distribution and tourism services. It does not relate to telecommunications and financial services.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
		service, or its subsidisation, within the public sector is not in breach of this commitment. Commitments taken in this schedule do not require the Communities or Member States to offer a subsidy to a service supplied from outside its territory. To the extent that any subsidies are made available to natural persons, their availability may be limited to nationals of a Member State of the Communities.	
	4) Unbound except for measures concerning the entry into and temporary stay ¹ within a Member State, without requiring compliance with an economic needs test ² , of the following categories of natural persons providing services:	4) Unbound except for measures concerning the categories of natural persons referred to in the Market Access column.	
	i) the temporary presence, as intra-corporate transferee ³ , of natural persons in the following categories, provided that the service supplier is a legal person and that the persons concerned have been employed by it or have been partners in it (other than as majority shareholders), for at least the year immediately preceding such movement:	EC directives on mutual recognition of diplomas do not apply to nationals of third countries. Recognition of the diplomas which are required in order to practise regulated professional services by non-Community nationals remains within the competence of each Member State, unless Community law provides otherwise. The right to practise a regulated professional service in one Member State does not grant the right to practise in another Member State.	
	a) Persons working in a senior position within a legal person, who primarily direct the management of the establishment, receiving general supervision or direction principally from the board of directors or stockholders of the business or their equivalent, including: - directing the establishment or a department or sub-division of the establishment;	<u>Residency requirements</u> A: Managing directors of branches and legal persons have to be resident in Austria; natural persons responsible within a legal person or a branch for the observance of the Austrian Trade Act must be resident in Austria.	

¹ The duration of "temporary stay" is defined by the Member States and, where they exist, Community laws and regulations regarding entry, stay and work. The precise duration can vary according to the different categories of natural persons mentioned in this schedule.

² All other requirements of Community and Member States' laws and regulations regarding entry, stay, work and social security measures shall continue to apply, including regulations concerning period of stay, minimum wages as well as collective wage agreements.

³ An "intra-corporate transferee" is defined as a natural person working within a legal person, other than a non-profit making organisation, established in the territory of Chile, and being temporarily transferred in the context of the provision of a service through commercial presence in the territory of a Community Member State; the legal persons concerned must have their principal place of business in the territory of Chile and the transfer must be to an establishment (office, branch or subsidiary) of that legal person, effectively providing like services in the territory of a Member State to which the EEC Treaty applies.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	- supervising and controlling the work of other supervisory, professional or managerial employees; - having the authority personally to hire and fire or recommend hiring, firing or other personnel actions.		
	b) Persons working within a legal person who possess uncommon knowledge essential to the establishment's service, research equipment, techniques or management. In assessing such knowledge, account will be taken not only of knowledge specific to the establishment, but also of whether the person has a high level of qualification referring to a type of work or trade requiring specific technical knowledge, including membership of an accredited profession.		
	ii) the temporary presence of natural persons in the following categories:		
	a) Persons not residing in the territory of a Member State to which the EC treaties apply, who are representatives of a service supplier and are seeking temporary entry for the purpose of negotiating for the sale of services or entering into agreements to sell services for that service provider, where those representatives will not be engaged in making direct sales to the general public or in supplying services themselves.		
	b) Persons working in a senior position, as defined in i) a) above, within a legal person, who are responsible for setting up in a Member State of a commercial presence of a service provider of Chile when:		
	- the representatives are not engaged in making direct sale or supplying services; and		
	- the service provider has its principal place of business in the territory of Chile and has no other representative, office, branch or subsidiary in that Member State.		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	F: The managing director of an industrial, commercial or artisanal activity ¹ , if not holder of a residence permit, needs a specific authorization.		
	I: Access to industrial, commercial and artisanal activities is subject to a residence permit and specific authorization to pursue the activity.		

¹ Commercial, industrial or artisanal activities relate to sectors such as: other business services, construction, distribution and tourism services. It does not relate to telecommunications and financial services.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
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II. SECTOR-SPECIFIC COMMITMENTS

7. FINANCIAL SERVICES SECTOR¹

- The Communities and their Member States undertake commitments on Financial Services in accordance with the provisions of the "Understanding on Commitments in Financial Services" attached (the Understanding).
- These commitments are subject to the limitations on market access and national treatment in the "all sectors" section of this schedule and to those relating to the subsectors listed below.
- The market access commitments in respect of modes (1) and (2) apply only to the transactions indicated in paragraphs B.3 and B.4 of the market access section of the Understanding respectively.
- Notwithstanding note 1 above, the market access and national treatment commitments in respect of mode (4) on financial services are those in the "all sectors" section of this schedule, except for Sweden in which case commitments are made in accordance with the Understanding.
- The admission to the market of new financial services or products may be subject to the existence of, and consistency with, a regulatory framework aimed at achieving the objectives indicated in Article 121.
- As a general rule and in a non-discriminatory manner, financial institutions incorporated in a Member State of the Community must adopt a specific legal form.

A. <u>Insurance and Insurance-Related Services</u>	1) A: Promotional activity and intermediation on behalf of a subsidiary not established in the Community or of a branch not established in Austria (except for reinsurance and retrocession) are prohibited. A: Compulsory air insurance can be underwritten only by a subsidiary established in the Community or by a branch established in Austria. DK: Compulsory air transport insurance can be underwritten only by firms established in the Community. DK: No persons or companies (including insurance	1) A: Higher premium tax is due for insurance contracts (except for contracts on reinsurance and retrocession) which are written by a subsidiary not established in the Community or by a branch not established in Austria. Exception from the higher tax can be granted.	The European Communities and their Member States undertake additional commitments as contained in the "Additional commitments by the Community and their Member States" attached.
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¹ Unlike foreign subsidiaries, branches established directly in a Member State by a Chilean financial institution are not, with certain limited exceptions, subject to prudential regulations harmonised at Community level which enable such subsidiaries to benefit from enhanced facilities to set up new establishments and to provide cross-border services throughout the Community. 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. Member States may apply the restrictions indicated in this schedule only with regard to the direct establishment from Chilean of a commercial presence or to the provision of cross-border services from Chile; consequently, a Member State may not apply these restrictions, including those concerning establishment, to Chilean subsidiaries established in other Member States of the Community, unless these restrictions can also be applied to companies or nationals of other Member States in conformity with Community law.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	companies) may for business purposes in Denmark assist in effecting direct insurance for persons resident in Denmark, for Danish ships or for property in Denmark, other than insurance companies licensed by Danish law or by Danish competent authorities. D: Compulsory air insurance policies can be underwritten only by a subsidiary established in the Community or by a branch established in Germany.		
	D: 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. I: Unbound for the actuarial profession. FIN: Only insurers having their head office in the European Economic Area or having their branch in Finland may offer insurance services as referred to in sub-paragraph 3 (a) of the Understanding. FIN: The supply of insurance broker services is subject to a permanent place of business in the European Economic Area. F: Insurance of risks relating to ground transport may be carried out only by insurance firms established in the Community.		
	I: Transport insurance of goods, insurance of vehicles as such and liability insurance regarding risks located in Italy may be underwritten only by insurance companies established in the Community. This reservation does not apply for international transport involving imports into Italy. S: The supply of direct insurance is allowed only through an insurance service supplier authorised in Sweden, provided that the foreign service supplier and the Swedish insurance company belong to the same group of companies or have an agreement of cooperation between them.		
	2) A: Promotional activity and intermediation on behalf of a subsidiary not established in the Community or of a	2) A: Higher premium tax is due for insurance contracts (except for contracts on reinsurance and	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	branch not established in Austria (except for reinsurance and retrocession) are prohibited. A: Compulsory air insurance can be underwritten only by a subsidiary established in the Community or by a branch established in Austria. DK: Compulsory air transport insurance can be underwritten only by firms established in the Community. DK: No persons or companies (including insurance companies) may for business purposes in Denmark assist in effecting direct insurance for persons resident in Denmark, for Danish ships or for property in Denmark, other than insurance companies licensed by Danish law or by Danish competent authorities. D: Compulsory air insurance policies can be underwritten only by a subsidiary established in the Community or by a branch established in Germany.	retrocession) which are written by a subsidiary not established in the Community or by a branch not established in Austria. Exception from the higher tax can be granted.	
	D: 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. F: Insurance of risks relating to ground transport may be carried out only by insurance firms established in the Community. I: Transport insurance of goods, insurance of vehicles as such and liability insurance regarding risks located in Italy may be underwritten only by insurance companies established in the Community. This reservation does not apply for international transport involving imports into Italy. 3) A: The licence for branch offices of foreign insurers has to be denied if the insurer, in the home country, does not have a legal form corresponding or comparable to a joint stock company or a mutual insurance association.	3) S: Non-life insurance undertakings not incorporated in Sweden conducting business in Sweden are - instead of being taxed according to the net result - subject to taxation based on the premium income from direct insurance operations. S: A founder of an insurance company shall be a natural person resident in the European Economic	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
		Area or a legal entity incorporated in the European Economic Area.	
	GR: The right of establishment does not cover the creation of representative offices or other permanent presence of insurance companies, except where such offices are established as agencies, branches or head offices. FIN: The managing director, at least one auditor and at least one half of the promoters and members of the board of directors and the supervisory board of an insurance company shall have their place of residence in the European Economic Area, unless the Ministry of Social Affairs and Health has granted an exemption. FIN: Foreign insurers cannot get a licence in Finland as a branch to carry on statutory social insurances (statutory pension insurance, statutory accident insurance).		
	F: The establishment of branches is subject to a special authorisation for the representative of the branch. I: Access to actuarial profession through natural persons only. Professional associations (no incorporation) among natural persons permitted. I: The authorisation of the establishment of branches is ultimately subject to the evaluation of supervisory authorities. IRL: The right of establishment does not cover the creation of representative offices. S: Insurance broking undertakings not incorporated in Sweden may establish a commercial presence only through a branch.		
	4) Unbound except as indicated in the horizontal section under (i) and (ii) and subject to the specific conditions: GR: A majority of the members of the board of directors of a company established in Greece shall be nationals of one of the Member States of the Community.	4) Unbound except as indicated in the horizontal section under (i) and (ii) and subject to the following specific limitations: A: The management of a branch office must consist of two natural persons resident in Austria. DK: The general agent of an insurance branch will need to have resided in Denmark for the last two	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
		years unless being a national of one of the Member States of the Community. The Minister of Business and Industry may grant exemption. DK: Residency requirement for managers and the members of the board of directors of a company. However, the Minister of Business and Industry may grant exemption from this requirement. Exemption is granted on a non-discriminatory basis. I: Residence requirement for actuarial profession.	
B. <u>Banking and Other Financial Services</u> (excluding insurance)	1)¹ B: Establishment in Belgium is required for the provision of investment advisory services. I: Unbound for "promotori di servizi finanziari" (financial salesmen). IRL: The provision of investment services or investment advice requires either (I) authorisation in Ireland, which normally requires that the entity be incorporated or be a partnership or a sole trader, in each case with a head/registered office in Ireland (authorisation may not be required in certain cases, e.g. where a third country service provider has no commercial presence in Ireland and the service is not provided to private individuals), or (II) authorisation in another Member State in accordance with the EC Investment Services Directive.	1) None	The European Communities and their Member States undertake additional commitments as contained in the "Additional commitments by the Community and their Member States" attached.
	2)² FIN: Payments from governmental entities (expenses) shall be transmitted through the Sampo Bank Ltd. Exemption from this requirement may be granted on special reason by the Ministry of Finance.	2) None	

¹ I: Provision and transfer of financial information and financial data processing entailing trading of financial instruments may be prohibited where the protection of investors is likely to be seriously prejudiced. Only authorised banks and investment firms must comply with conduct of business rules in providing investment advice concerning financial instruments and advice to undertakings on capital structure, industrial strategy and related matters, and advice and service relating to mergers and acquisition of undertakings. Advisory activity should not include asset management.

² I: Authorised persons enabled to conduct collective asset management are deemed responsible for any investment activity conducted by their delegated advisers (Collective asset management, excluding UCITS).

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	3) <u>All Member States:</u> - The establishment of a specialised management company is required to perform the activities of management of unit trusts and investment companies. - Only firms having their registered office in the Community can act as depositories of the assets of investment funds.	3) S: A founder of a banking company shall be a natural person resident in the European Economic Area or a foreign bank. A founder of a savings bank shall be a natural person resident in the European Economic Area.	
	DK: Financial institutions may engage in securities trading on the Copenhagen Stock Exchange only through subsidiaries incorporated in Denmark. FIN: At least one half of the founders, the members of the board of directors, the supervisory board and the delegates, the managing director, the holder of the procuration and the person entitled to sign in the name of the credit institution shall have their place of residence in the European Economic Area, unless the Ministry of Finance grants an exemption. At least one auditor shall have his place of residence in the European Economic Area.		
	FIN: The broker (individual person) on derivative exchange shall have his place of residence in the European Economic Area. Exemption from this requirement may be granted under the conditions set by the Ministry of Finance. FIN: Payments from governmental entities (expenses) shall be transmitted through the Sampo Bank Ltd. Exemption from this requirement may be granted on special reason by the Ministry of Finance.		
	GR: For the establishment and operations of branches a minimum amount of foreign exchange must be imported, converted into euros and kept in Greece as long as a foreign bank continues to operate in Greece: - Up to four (4) branches this minimum is currently equal to half of the minimum amount of share capital required for a credit institution to be incorporated in Greece;		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	- For the operation of additional branches the minimum amount of capital must be equal to the minimum share capital required for a credit institution to be incorporated in Greece. I: In providing the activity of door-to-door selling, intermediaries must utilise authorised financial salesmen resident within the territory of a Member State of the European Communities. I: Representative offices of foreign intermediaries cannot carry out activities aimed at providing investment services.		
	I: Clearing services including the phase of final settlement may be conducted only by entities duly authorised and supervised by the Bank of Italy in agreement with Consob. I: The public offer of securities can only be made by entities duly authorised. I: Centralised deposit, custody and administration services can be provided only by entities duly authorised and supervised by the Consob in agreement with the Bank of Italy.		
	I: In the case of collective investment schemes other than harmonised UCITS under the directive 85/611/EEC, the trustee/ depositary is required to be incorporated in Italy or in another Member State of the European Community, being established through a branch in Italy. Only banks, insurance companies, securities investment companies having their legal head office in the European Community may carry out activity of pension fund resources management. Management companies (closed-end funds and real estate funds) are also required to be incorporated in Italy. IRL: In the case of collective investment schemes constituted as unit trusts and variable capital companies (other than undertakings for collective investment in transferable securities, UCITS), the trustee/depositary and management company is required to be incorporated		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	in Ireland or in another Member State of the Community. In the case of an investment limited partnership, at least one general partner must be incorporated in Ireland.		
	IRL: To become a member of a stock exchange in Ireland, an entity must either (I) be authorised in Ireland, which requires that it be incorporated or be a partnership, with a head/registered office in Ireland, or (II) be authorised in another Member State in accordance with the EC Investment Services Directive. IRL: The provision of investment services or investment advice requires either (I) authorisation in Ireland, which normally requires that the entity be incorporated or be a partnership or a sole trader, in each case with a head/registered office in Ireland (the supervisory authority may also authorise branches of third country entities), or (II) authorisation in another Member State in accordance with the EC Investment Services Directive. P: The establishment of non-EC banks is subject to an authorisation issued, on a case-by-case basis, by the Minister of Finance. The establishment has to contribute to increase the national banking system's efficiency or has to produce significant effects on the internationalisation of the Portuguese economy.		
	P: The services of venture capital may not be provided by branches of venture capital companies having their head office in a non-EC country. Pension fund management may be provided only by companies incorporated in Portugal and by insurance companies established in Portugal and authorised to take up the life insurance business. S: Undertakings not incorporated in Sweden may establish a commercial presence only through a branch, and in case of banks, also through a representative office.		
	4) Unbound except as indicated in the horizontal section under (i) and (ii) and subject to the specific conditions: F: Sociétés d'investissement à capital fixe: condition of nationality for the president of the Board of Directors,	4) Unbound except as indicated in the horizontal section under (i) and (ii) and subject to the following specific limitations: I: Condition of residence for "promotori di servizi	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	the Directors-General and no less than two thirds of the administrators, and also, when the securities firm has a Supervisory Board or Council, for the members of such board or its Director-General, and no less than two thirds of the members of the supervisory Council. GR: Credit institutions should name at least two persons who are responsible for the operations of the institution. Condition of residency applies to these persons.	finanziari" (financial salesmen).	

ADDITIONAL COMMITMENTS BY THE COMMUNITY

INSURANCE

- a) The Community notes the close co-operation among the insurance regulatory and supervisory authorities of the Member States and encourage their efforts to promote improved supervisory standards.
- b) Member States will make their best endeavours to consider within 6 months from their submissions complete applications for licenses to conduct direct insurance underwriting business, through the establishment in a Member State of a subsidiary in accordance with the legislation of that Member State, by an undertaking governed by the laws of Chile. In cases where such applications are refused, the Member State authority will make its best endeavours to notify the undertaking in question and give the reasons for the refusal of the application.
- c) The supervisory authorities of the Member States will make their best endeavours to respond without undue delay to requests for information by applicants on the status of complete applications for licences to conduct direct insurance underwriting business, through the establishment in a Member State of a subsidiary in accordance with the legislation of that Member State by an undertaking governed by the laws of Chile.
- d) The Community will make its best endeavours to examine any questions pertaining to the smooth operation of the internal market in insurance, and consider any issues that might have an impact on the internal market in insurance.
- e) The Community notes that, as regards motor insurance, under Community law as in force on 1 September 2001, and without prejudice to future legislation, premiums may be calculated taking several risk factors into account.
- f) The Community notes that under Community law, as in force on 1 September 2001, and without prejudice to future legislation, the prior approval by national supervisory authorities of policy conditions and scales of premiums that an insurance undertaking intends to use is generally not required.
- g) The Community notes that under Community law, as in force on 1 September 2001, and without prejudice to future legislation, the prior approval by national supervisory authorities of increases in premium rates is generally not required.

OTHER FINANCIAL SERVICES

- a) In application of the relevant EC Directives, Member States will make their best endeavours to consider within 12 months complete applications for licenses to conduct banking activities, through the establishment in a Member State of a subsidiary in accordance with the legislation of that Member State, by an undertaking governed by the laws of Chile. In cases where such applications are refused, the Member State will make its best endeavours to notify the undertaking in question and give the reasons for the refusal of the application.
- b) Member States will make their best endeavours to respond without undue delay to requests for information by applicants on the status of complete applications for licenses to conduct banking activities, through the establishment in a Member State of a subsidiary in accordance with the legislation of that Member State, by an undertaking governed by the laws of Chile.
- c) In application of the relevant EC Directives, Member States will make their best endeavours to consider within 6 months complete applications for licenses to conduct investment services in the securities field, as defined in the Investment Services Directive, through the establishment in a Member State of a subsidiary in accordance with the legislation of that Member State, by an undertaking governed by the laws of Chile. In cases where such applications are refused, the Member State will make its best endeavours to notify the undertaking in question and give the reasons for the refusal of the application.
- d) Member States will make their best endeavours to respond without undue delay to requests for information by applicants on the status of complete applications for licenses to conduct investment services in the securities area, through the establishment in a Member State of a subsidiary in accordance with the legislation of that Member State, by an undertaking governed by the laws of Chile.

UNDERSTANDING ON COMMITMENTS IN FINANCIAL SERVICES

The Community has been enabled to take on specific commitments with respect to financial services under this Agreement on the basis of an alternative approach to that covered by the general provisions of Part IV, Chapter II (Financial Services). It was agreed that this approach could be applied subject to the following understanding:

- (i) it does not conflict with the provisions of this Agreement;
- (ii) no presumption has been created as to the degree of liberalization to which a Party is committing itself under this Agreement.

The Community, on the basis of negotiations, and subject to conditions and qualifications where specified, has inscribed in its schedule specific commitments conforming to the approach set out below.

A. Market Access

Cross-border Trade

1. The Community shall permit non-resident suppliers of financial services to supply, as a principal, through an intermediary or as an intermediary, and under terms and conditions that accord national treatment, the following services:

- (a) insurance of risks relating to:
 - (i) maritime shipping and commercial aviation and space launching and freight (including satellites), with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods and any liability arising therefrom; and
 - (ii) goods in international transit;
- (b) reinsurance and retrocession and the services auxiliary to insurance as referred to in subparagraph (iv) of Article 117(9);
- (c) provision and transfer of financial information and financial data processing as referred to in subparagraph (xv) of Article 117(9) and advisory and other auxiliary services, excluding intermediation, relating to banking and other financial services as referred to in subparagraph (xvi) of Article 117(9).

2. The Community shall permit its residents to purchase in the territory of Chile the financial services indicated in:

- (a) subparagraph 1(a);
- (b) subparagraph 1(b); and
- (c) subparagraphs (v) to (xvi) of Article 117(9).

Commercial Presence

3. The Community shall grant financial service suppliers of Chile the right to establish or expand within its territory, including through the acquisition of existing enterprises, a commercial presence.

4. The Community may impose terms, conditions and procedures for authorization of the establishment and expansion of a commercial presence in so far as they do not circumvent its obligation under paragraph 3 and they are consistent with the other obligations of this Agreement.

Temporary Entry of Personnel

5. (a) The Community shall permit temporary entry into its territory of the following personnel of a financial service supplier of Chile that is establishing or has established a commercial presence in the territory of the Community:

- (i) senior managerial personnel possessing proprietary information essential to the establishment, control and operation of the services of the financial service supplier; and
 - (ii) specialists in the operation of the financial service supplier.
- (b) The Community shall permit, subject to the availability of qualified personnel in its territory, temporary entry into its territory of the following personnel associated with a commercial presence of a financial service supplier of Chile:
- (i) specialists in computer services, telecommunication services and accounts of the financial service supplier; and
 - (ii) actuarial and legal specialists.

Non-discriminatory Measures

6. The Community shall endeavour to remove or to limit any significant adverse effects on financial service suppliers of Chile of:
- (a) non-discriminatory measures that prevent financial service suppliers from offering in the Community's territory, in the form determined by the Community, all the financial services permitted by the Community;
 - (b) non-discriminatory measures that limit the expansion of the activities of financial service suppliers into the entire territory of the Community;
 - (c) measures of the Community, when it applies the same measures to the supply of both banking and securities services, and a financial service supplier of Chile concentrates its activities in the provision of securities services; and
 - (d) other measures that, although respecting the provisions of this Agreement, affect adversely the ability of financial service suppliers of Chile to operate, compete or enter the Community's market;

provided that any action taken under this paragraph would not unfairly discriminate against financial service suppliers of the Party taking such action.

7. With respect to the non-discriminatory measures referred to in subparagraphs 6(a) and (b), the Community shall endeavour not to limit or restrict the present degree of market opportunities nor the benefits already enjoyed by financial service suppliers of Chile as a class in the territory of the Community, provided that this commitment does not result in unfair discrimination against financial service suppliers of the Community.

B. National Treatment

1. Under terms and conditions that accord national treatment, the Community shall grant to financial service suppliers of Chile 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 paragraph is not intended to confer access to the Community's lender of last resort facilities.
2. When membership or participation in, or access to, any self-regulatory body, securities or futures exchange or market, clearing agency, or any other organization or association, is required by the Community in order for financial service suppliers of Chile to supply financial services on an equal basis with financial service suppliers of the the Community, or when the Community provides directly or indirectly such entities, privileges or advantages in supplying financial services, the Community shall ensure that such entities accord national treatment to Chilean financial service suppliers resident in its territory.

C. Definitions

For the purposes of this approach:

1. A non-resident supplier of financial services is a financial service supplier of Chile which supplies a financial service into the territory of the Community from an establishment located in the territory of Chile, regardless of whether such a financial service supplier has or has not a commercial presence in the territory of the Community.
2. "Commercial presence" means an enterprise within the Community's territory for the supply of financial services and includes wholly- or partly-owned subsidiaries, joint ventures, partnerships, sole proprietorships, franchising operations,

branches, agencies, representative offices or other organizations.

ANNEX VIII

(Referred to in Article 120)

SCHEDULE OF SPECIFIC COMMITMENTS ON FINANCIAL SERVICES

PART B

CHILE'S SCHEDULE

(This is authentic in the Spanish language only)

Introductory note: Chile may complete the classification of financial services contained in this schedule on the basis of the Central Product Classification (CPC) or other classification deemed appropriate for the Chilean financial sector and reclassify services already classified on the basis of a new version of the CPC or other appropriate classification.

CHILE - EU

SCHEDULE OF FINANCIAL COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
Terms and conditions affecting market access and national treatment in the specific commitments of Chile in financial services . 1. The conditions affecting all the services sectors as specified in the schedule of Part B to Annex VII (Services) apply to this Schedule except for the specific provisions of this Annex. 2. Decree Law 600 (1974), the Foreign Investment Statute, is a voluntary and special investment regime. As an alternative to the common regime for the entry of capital into Chile, potential investors may apply to the Foreign Investment Committee to be subject to the regime set out in Decree Law 600. The obligations and commitments contained in the financial services chapter and in this Annex do not apply to Decree Law 600 (Foreign Investment Statute), Law 18.657 (Foreign Capital Investment Funds Law), to the continuation or prompt renewal of such laws, to amendments to those laws or to any special and /or voluntary investment regime that may be adopted in the future by Chile. For greater certainty, it is understood that the Foreign Investment Committee of Chile has the right to reject applications to invest through Decree Law 600 and Law 18657. Additionally, the Foreign Investment Committee has the right to regulate the terms and conditions of foreign investment under the aforementioned Decree Law 600 and Law 18.657. 3. The Chilean financial services sector is partially compartmentalised, that is to say the institutions, domestic and foreign, authorised to operate as banks may not participate directly in the insurance and securities business and vice versa. However, subject to authorisation from the <i>Superintendencia de Bancos e Instituciones Financieras, SBIF</i> (Superintendency of Banks and Financial Institutions), domestic and foreign banks operating in Chile may set up subsidiaries, with their own and separate capital, to supply other financial services in addition to their main line of business. The main business of banks is accepting or receiving money from the public on a regular basis and granting money credits represented by securities or commercial paper or any other credit instrument. 4. The subsectors and services included in this schedule are defined in accordance with the relevant Chilean legislation. 5. Payments and capital movements made under this Chapter shall be subject to the provisions of paragraph 3 of Annex XIV . 6. With respect to mode 4 (movement of natural persons):			

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Unbound, except for transfers of natural persons within a foreign enterprise established in Chile in accordance with (3) (commercial presence), of senior and specialised personnel who have been employed by those organisations for a period of at least two years immediately preceding the date of their application for admission, performing the same type of duties in the parent company of their country of origin. In any case, foreign natural persons may not represent more than 15% of the total staff employed in Chile, when the employer hires more than 25 persons.

Senior personnel are those executives who come under the direct supervision of the board of directors of the enterprise established in Chile and who, *inter alia*:

- conduct the management of the organisation or one of its departments or subdivisions;
- supervise and control the work of other supervisory, professional or managerial employees;
- are personally authorised to hire and fire or recommend hiring or firing or any other measure related to personnel.

Specialised personnel are those highly qualified persons who are indispensable to the supply of the service because of their professional knowledge or:

- possession of qualifications for a particular type of work or activity requiring specialised technical expertise;
- essential knowledge for the supply of the service, research equipment, techniques or management; and
- the non-availability of such specialised personnel in Chile.

The category of senior and specialised personnel does not include the members of the board of directors of a company established in Chile (*Directorio*).

For all legal purposes, senior and specialised personnel must establish domicile or residence in Chile. Providers of services are admitted temporarily, for a period of two years, extendable to two more years. Personnel admitted under these conditions will be subject to the provisions of the labour and social security legislation in force.

7. Chile may restrict or prescribe on a non-discriminatory basis a specific type of legal entity, including subsidiaries, branches, representative offices or any other form of commercial presence that must be adopted by entities operating in the following subsectors: a.2) complementary banking services; b) insurance and reinsurance services; c) securities services; d) other financial services.
8. The introduction to the market of new financial services or products could be subject to the existence of, and consistency with, a regulatory framework designed to achieve the objectives set out in Article 125.
9. None of Chile's commitments applies to the social security system, including the *Instituto de Normalización Previsional*, INP (Institute for Pension Normalisation) under Law 18.689, the pension funds under Decree Law 3500, the *Instituciones de Salud Previsional*, ISAPRES (Social Security Health Institutions) under Law 18.933, the *Fondo Nacional de Salud*, FONASA (National Health Fund) under Law 18.469, the *Cajas de Compensación* (Non Profit Social Security Benefits Administrators) under Law 18.833, Law 16.744 on work accidents, unemployment insurance under Law 19.728, and amendments to those laws, and whether those services are provided by the institutions created by law for those purposes or other financial institutions through which financial services related to the social security system are provided or could be provided.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

10. Chile's commitments relating to the voluntary pension savings plans (*planes de ahorro previsional voluntario*) shall apply from 1 March 2005.

11. The commitments relating to mode 2 do not require Chile to permit financial services providers to do business or solicit in its territory. Chile may define "doing business" and "solicit".

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
a) <u>Banking services:</u> a.1) Core banking services and bank operations: Acceptance of deposits (Includes only current bank accounts (<i>cuentas corrientes bancarias</i>) , sight deposits, time deposits savings accounts, financial instruments with repurchase agreements, and warranty deposits or surety bonds.)	1) Unbound 2) Unbound 3) Foreign banking institutions must be banking companies (<i>sociedades bancarias</i>) legally constituted in their country of origin and must put up the capital required by Chilean law.	1) Unbound 2) Unbound 3) None	
Credit granting (Includes only ordinary loans, consumer credit, loans in letters of credit, mortgage loans, mortgage loans in letters of credit, purchase of financial instruments with resale agreements, credit for issue of bank surety bonds or other types of financing, issue and negotiation of letters of credit for imports and exports, issue and	Foreign banking institutions may only operate: (i) through shareholdings in Chilean banks established as corporations in Chile; (ii) by becoming established as a corporation in Chile; (iii) as branches of foreign corporations, in which case the legal personality in the country of origin is recognized. For the purposes of foreign bank branch operations in Chile, the capital effectively invested in Chile is considered, and not that of the main office.		

confirmation of stand-by letters of credit.)			
Purchase of publicly-offered securities (includes only purchase of bonds, purchase of letters of credit, subscription and placement as agents of shares, bonds and letters of credit (underwriting) Issue and operation of credit cards (81133) (includes only credit cards issued in Chile) Issue and operation of debit cards Travellers' cheques Transfer of funds (bank drafts) Discounting or acquisition of bills of exchange and promissory notes Endorsement and guarantee of third party liabilities in Chilean currency and foreign currency Securities custody Exchange market operations authorised by the Central Bank of Chile.	No national or foreign, natural or legal, person may acquire directly or through third parties shares in a bank which, alone or added to the shares such a person already possesses, represent more than 10 per cent of the bank's capital without having first obtained the authorisation of the SBIF. In addition, the partners or shareholders of a financial institution may not transfer a percentage of rights or shares in their company in excess of 10 per cent without having obtained authorisation from the SBIF. 4) Unbound, except as indicated in the horizontal section.	4)Unbound, except as indicated in the horizontal section.	

Operations with derivatives authorised by the Central Bank of Chile (Includes only forwards and swaps of currency and interest rate) Fiduciary Operations			
Voluntary pension savings plans (<i>Planes de Ahorro Previsional Voluntario</i>)	1) Unbound 2) Unbound 3) Unbound until 1 March 2005. After that date, unbound with respect to Article 118 (2) (e). Voluntary savings plans may only be offered by banks established in Chile under one of the arrangements previously mentioned. These plans require prior authorisation by the SBIF. 4) Unbound, except as indicated in the horizontal section.	1) Unbound 2) Unbound 3) Unbound until 1 March 2005. After that date, none. 4) Unbound, except as indicated in the horizontal section.	
a.2) Complementary banking services: Financial leasing (81120) (these companies may offer leasing contracts for goods	The supply of financial services that complement core banking services may be provided directly by those institutions, with prior authorisation from the SBIF, or through subsidiaries which the latter shall determine. 1) Unbound 2) Unbound	1) Unbound 2) Unbound	

acquired at the client's request, i.e. they cannot acquire goods in order to stock them and offer them for leasing)	3) Financial leasing services are regarded as complementary banking services and, consequently, the SBIF is empowered to extend or restrict the operation of the financial leasing services which these institutions may offer, and the latter may only offer the services expressly authorised by the SBIF. 4) Unbound, except as indicated in the horizontal section.	3) None 4) Unbound, except as indicated in the horizontal section.	
Advisory and other auxiliary financial services (8133) (Includes only services indicated in the banking sector in this schedule)	1) Unbound 2) Unbound 3) None 4) Unbound, except as indicated in the horizontal section.	1) Unbound 2) Unbound 3) None 4) Unbound, except as indicated in the horizontal section.	
Factoring	1) Unbound 2) Unbound 3) Unbound with regard to Article 118 (2)(e). Factoring services are regarded as complementary banking services and, consequently, the SBIF is empowered to extend or restrict the operation of the financial factoring services which these institutions may offer, and the latter may only offer the services expressly authorised by the SBIF. 4) Unbound, except as indicated in the horizontal section.	1) Unbound 2) Unbound 3) None 4) Unbound, except as indicated in the horizontal section.	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
b)<u>Insurance and reinsurance services:</u> 1. In Chile, the insurance business is divided into two groups: the first group comprises companies that insure property or patrimony (<i>patrimonio</i>) against the risk of loss or damage, while the second comprises those that cover personal risks or guarantee, within or at the end of a certain term, a capital sum, a paid-up policy or an income for the insured or his beneficiaries. The same insurance company may not be constituted in such a way as to cover both categories of risk. 2. Credit insurance companies, even though classified in the first group, must be established as corporations with the sole purpose of covering this type of risk, i.e. loss of or damage to the patrimony of the insured as a result of the non-payment of a money debt or loan, being also permitted to cover guarantee and fidelity risks. 3. The Chilean insurance schedule does not include insurance related to the social security system. 4. Chile's commitments in the sale and intermediation of insurance for international maritime transport, international commercial aviation and goods in international transit shall apply one year after the entry into force of this Agreement. During this period, Chile will carry out the necessary legal amendments to implement this commitment.			
Insurance: Sale of direct life insurance (does not include insurance related to the social security system) (81211)	1) Unbound 2) Unbound	1) Unbound 2) Unbound	
Sale of direct general insurance (8129, except for 81299) (excluding the <i>Instituciones de Salud Previsional, ISAPRES</i> (social security health institutions) i.e. legal persons set up for the purpose of providing health benefits to	3) Insurance services can be provided only by insurance corporations established in Chile with the sole purpose of developing this line of business, either direct life insurance or direct general insurance. In the case of general credit insurance (81296), they must be established as insurance corporations with the sole purpose of covering this type of	3) None	

persons who opt to become members and financed through the statutory contribution of a percentage of taxable income fixed by law or a higher amount, as the case may be. It also excludes the <i>Fondo Nacional de Salud, FONASA</i> (National Health Fund), a public agency financed by the government and the statutory contribution of a percentage of taxable income fixed by law, which is jointly responsible for paying benefits under the optional health scheme which persons not members of an ISAPRE may join. Does not include sale of insurance for international maritime transport, international commercial aviation and goods in international transit)	risk. Insurance corporations can be legally constituted only in accordance with the provisions of the law on corporations. Insurance may be taken out directly or through insurance brokers who, to engage in that activity, must be enrolled in the Register maintained by the <i>Superintendencia de Valores y Seguros, SVS</i> (Securities and Insurance Commission) and must satisfy the requirements of the law. 4)Unbound, except as indicated in the horizontal section.	4)Unbound, except as indicated in the horizontal section.	
Sale of insurance for international maritime transport, international commercial aviation and goods in international transit (Includes goods transported, the vehicle transporting the goods and any civil responsibility deriving therefrom. Does not include national transport (cabotage))	1) Unbound until one year after the entry into force of this Agreement. After that period, the sale of such insurance may only be offered by insurance companies which include this category of risks in their business and are supervised in their country of origin as such. 2) Unbound until one year after the entry into force of this Agreement. After that period, the sale of such insurance may only be offered by insurance companies which include this category of risks in their business and are	1) Unbound until one year after entry into force of this Agreement. After that period, none. 2) Unbound until one year after the entry into force of this Agreement. After that period, none.	

	supervised in their country of origin as such. 3) Insurance services for international maritime transport, international commercial aviation and goods in international transit may be offered by insurance corporations constituted in Chile and which have the sole purpose of developing the business of direct general insurance. 4) Unbound, except as indicated in the horizontal section.	3) None 4) Unbound, except as indicated in the horizontal section.	
Insurance brokers (excludes insurance for international maritime transport, international commercial aviation and goods in international transit)	1) Unbound 2) Unbound 3) Must be enrolled in the Register maintained by the <i>Superintendencia de Valores y Seguros, SVS</i> (Securities and Insurance Commission) and fulfil the requirements established by the SVS. Only legal persons legally constituted in Chile for this specific purpose may provide this service. 4) Unbound, except as indicated in the horizontal section.	1) Unbound 2) Unbound 3) None 4) Unbound, except as indicated in the horizontal section.	
Brokers of insurance for international maritime transport, international commercial aviation and goods in international transit (Includes goods transported, the vehicle transporting the goods and any civil responsibility deriving	1) Unbound until one year has elapsed from the entry into force of this Agreement After this period, to intermediate these types of insurance, brokers must be legal persons supervised in their country of origin. 2) Unbound until after one year has elapsed from the entry into force of this Agreement. After this period, to intermediate these types of insurance, brokers must be legal persons supervised in their country of origin.	1) Unbound until one year has elapsed from the entry into force of this Agreement After this period, none. 2) Unbound until one year has elapsed from the entry into force of this Agreement After this period, none.	

therefrom. Does not include national transport (cabotage))	3) Must be enrolled in the Register maintained by the <i>Superintendencia de Valores y Seguros</i>, SVS (Securities and Insurance Commission) and fulfil the requirements established by the SVS. Only legal persons legally constituted in Chile for this specific purpose may provide this service. 4) Unbound, except as indicated in the horizontal section.	3) None 4) Unbound, except as indicated in the horizontal section.	
Administration of voluntary pension savings plans (<i>ahorro previsional voluntario</i>) through life insurance	1) Unbound 2) Unbound 3) Unbound until 1 March 2005. After that date, unbound with respect to Article 118 (2) (e). The voluntary pension savings plans may only be offered by life insurance companies established in Chile in accordance with what is set out above. Those plans and associated policies must have prior authorisation from the SVS. 4) Unbound, except as indicated in the horizontal section.	1) Unbound 2) Unbound 3) Unbound until 1 March 2005. After that date, none. 4) Unbound except as indicated in the horizontal section	
Reinsurance and retrocession: (Includes reinsurance brokers)	1) Foreign reinsurance companies and foreign reinsurance brokers must be enrolled in the register of foreign reinsurers maintained by the SVS and fulfil the requirements established by the SVS. 2) Unbound	1) Premiums ceded under this heading are subject to a 6 per cent tax. 2) Unbound	

	3) Reinsurance services are provided by reinsurance corporations established in Chile in accordance with the provisions of the law on corporations and authorised by the SVS. Insurance corporations may also provide reinsurance services as a complement to their insurance business if their articles of association so allow. Reinsurance services may also be provided by foreign reinsurers and foreign reinsurance brokers enrolled in the Register maintained by the SVS. 4) Unbound, except as indicated in the horizontal section.	3) None 4) Unbound, except as indicated in the horizontal section
Claim settlement services	1) Unbound 2) Unbound 3) Claim settlement services may be offered directly by insurance companies established in Chile or by legal persons constituted in Chile and registered with the SVS. 4) Unbound, except as indicated in the horizontal section.	1) Unbound 2) Unbound 3) None 4) Unbound, except as indicated in the horizontal section
Auxiliary insurance services (Includes only)	1) Unbound	1) Unbound

consultancy, actuarial services and risk assessment)	2) Unbound 3) Auxiliary insurance services may only be provided by legal persons constituted in Chile and registered with the SVS. 4) Unbound, except as indicated in the horizontal section.	2) Unbound 3) None 4) Unbound, except as indicated in the horizontal section
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Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
c) <u>Securities services</u>: 1. Publicly offered securities may be traded by legal persons whose sole purpose is securities brokerage, either as members of a stock exchange (stockbrokers) or outside the stock exchange (securities agents), and these institutions must be registered with the <i>Superintendencia de Valores y Seguros</i>, SVS (Securities and Insurance Commission). However, only stockbrokers may trade shares or their derivatives (subscription options) on the stock exchange. Non-share securities may be traded by stockbrokers or securities agents registered with the SVS. 2. The purpose of financial portfolio management is to diversify investments, on behalf of third parties, over a range of instruments and may be provided by securities traders (stockbrokers and securities agents) as a complementary activity for their clients. 3. Publicly offered securities risk rating services are provided by rating agencies constituted for the sole purpose of rating publicly offered securities, and they must be enrolled in the <i>Registro de Entidades Clasificadoras de Riesgo</i> (Register of Risk Rating Agencies) maintained by the SVS. They are inspected and controlled by the SVS. On the other hand, the inspection of rating agencies with respect to the rating of securities issued by banks and financial companies is the responsibility of the <i>Superintendencia de Bancos e Instituciones Financieras</i>, SBIF (Superintendency of Banks and Financial Institutions). 4. Securities custody consists of the physical safe-keeping of securities' certificates and may be undertaken by securities intermediaries (stockbrokers and securities agents) as an activity complementary to their sole purpose. It may also be undertaken by entities that provide depository and custodial services for securities which should be constituted as special corporations with the sole purpose of receiving in deposit publicly offered securities from entities authorised by law and to facilitate operations for the transfer of such securities (centralised securities depositories, <i>depósitos centralizados de valores</i>). 5. Financial advisory services, which involve giving financial advice on financing alternatives, investment appraisal, investment possibilities, and debt rescheduling strategies may be undertaken by securities intermediaries (stockbrokers and securities agents) as an activity complementary to their sole purpose. 6. Securities services that may be provided by banking institutions either directly or through subsidiaries are listed in the banking services sector of this Schedule and are excluded from the securities services section of this schedule. 7. The service of managing third parties' funds may be undertaken by the following: (a) Mutual funds management companies are those corporations whose sole purpose is the management of mutual funds. (b) Investment funds management companies are those corporations whose sole purpose is the management of investment funds. Without prejudice to the above, those corporations may also manage foreign capital investment funds.			

(c) Foreign capital investment funds management companies are those corporations whose sole purpose is the management of foreign capital investment funds. The capital brought into those funds may be remitted abroad only after five years from the date on which the capital contribution was made.

8. The service of clearing houses for stock exchange derivative products may be undertaken by corporations constituted in Chile with that sole purpose. They have the purpose of being the counterpart for all purchases and sales of contracts for futures, securities options and others of similar nature authorised by the SVS.

Intermediation of publicly offered securities, except shares (81321) Subscription and placement as agents (underwriting)	1)Unbound 2)Unbound 3)Brokerage activities must be supplied through a legal person established in Chile and require prior enrolment in the Register of stockbrokers and securities agents kept by the SVS. In addition to the legal requirement concerning patrimony, the SVS may impose more stringent non-discriminatory requirements regarding economic solvency on the intermediaries, taking into account the nature of their operations, the amounts involved, the type of instrument negotiated, and the category of intermediaries to which they apply. 4)Unbound, except as indicated in the horizontal section.	1)Unbound 2)Unbound 3)None 4)Unbound, except as indicated in the horizontal section.	
Intermediation of publicly offered shares of corporations (81321) (includes subscription and placement as agents, underwriting)	1)Unbound 2)Unbound 3) In order to trade on the stock exchange, intermediaries (stockbrokers) must be constituted as a legal person in Chile. They must acquire a share in the respective stock exchange and be accepted as members of this exchange. Prior enrolment in the Register of stockbrokers and securities agents maintained by the SVS is	1)Unbound 2)Unbound 3)None	

	required for brokerage activities. In addition to the legal requirement concerning patrimony, the SVS may impose more stringent non-discriminatory requirements regarding economic solvency on intermediaries, taking into account the nature of their operations, the amounts involved, the type of instrument negotiated, and the category of intermediaries to which they apply. 4)Unbound, except as indicated in the horizontal section.	4)Unbound, except as indicated in the horizontal section.	
Operations in stock exchange derivatives authorised by the <i>Superintendencia de Valores y Seguros</i> (Securities and Insurance Commission) (includes only dollar and interest rate futures, and options on shares. Shares must fulfil the requirements established by the respective clearing house, <i>cámara de compensación</i>)	1)Unbound 2)Unbound 3)In order to trade on the stock exchange, intermediaries (stockbrokers) must be constituted as legal persons in Chile. They must acquire a share in their respective stock exchange and be accepted as members of this exchange. Prior enrolment in the Register of stockbrokers and securities agents maintained by the SVS is required for brokerage activities. In addition to the legal requirement concerning patrimony, the SVS may impose more stringent non-discriminatory requirements regarding economic solvency on intermediaries, taking into account the nature of their operations, the amounts involved, the type of instrument negotiated, and the category of intermediaries to which they apply. 4)Unbound, except as indicated in the horizontal section.	1)Unbound 2)Unbound 3)None 4)Unbound, except as indicated in the horizontal section.	
Trading in metals on the stock exchange	1) Unbound	1) Unbound	

(includes only gold and silver)	2) Unbound 3) Trading in gold and silver may be carried out by stockbrokers on their own account and for third parties in the stock exchange in accordance with stock exchange regulations. In order to trade on the stock exchange, intermediaries (stockbrokers) must be constituted as legal persons in Chile. They must acquire a share in their respective stock exchange and be accepted as members of this exchange. Prior enrolment in the Register of stockbrokers and securities agents maintained by the SVS is required for brokerage activities. In addition to the legal requirement concerning patrimony, the SVS may impose more stringent non-discriminatory requirements regarding economic solvency on intermediaries, taking into account the nature of their operations, the amounts involved, the type of instrument negotiated, and the category of intermediaries to which they apply. 4) Unbound except as indicated in the horizontal section	2) Unbound 3) None 4) Unbound except as indicated in the horizontal section	
Securities risk rating (relates solely to rating or giving an opinion on publicly offered securities)	1)Unbound 2)Unbound 3)They must be established in Chile as a partnership (<i>sociedad de personas</i>). One of the specific requirements to be fulfilled is that not less than 60 per cent of the company's capital must be held by the principal partners (natural or legal	1)Unbound 2)Unbound 3)None	

	persons in this line of business holding a minimum of 5 per cent of the membership rights in the rating agency). They must enrol in the register of risk rating agents kept by the SVS. 4)Unbound, except as indicated in the horizontal section.	4)Unbound, except as indicated in the horizontal section.	
Securities custody undertaken by securities intermediaries (81319) (does not include the services offered by suppliers who combine custody, securities clearance and settlement (securities depositories, <i>depósitos de valores</i>))	1)Unbound 2)Unbound 3) For securities custody, intermediaries (stockbrokers and agents) must be constituted in Chile as a legal person. In addition to the legal requirement concerning patrimony, the SVS may impose more stringent non-discriminatory requirements regarding economic solvency on intermediaries, taking into account the nature of their operations, the amounts involved, the type of instrument negotiated, and the category of intermediaries to which they apply. 4) Unbound, except as indicated in the horizontal section.	1) Unbound 2)Unbound 3)None 4) Unbound, except as indicated in the horizontal section.	
Custody undertaken by entities for the deposit and custody of securities	1) Unbound 2) Unbound 3) Securities deposit and custody entities must be constituted in Chile as corporations set up for that sole purpose and require authorisation from the SVS.	1) Unbound 2) Unbound 3) None	

	4) Unbound, except as indicated in the horizontal section.	4) Unbound, except as indicated in the horizontal section.	
Financial advisory services supplied by securities intermediaries (81332) (financial advice refers only to the securities services included in this Schedule)	1)Unbound 2)Unbound 3)Financial advisory services supplied by securities intermediaries established as legal persons in Chile, require prior enrolment in the Register of stockbrokers and securities agents maintained by the SVS. In addition to the legal requirement concerning patrimony, the SVS may impose more stringent non-discriminatory provisions regarding economic solvency on the intermediaries, taking into account the nature of their operations, the amounts involved, the type of instrument negotiated, and the category of intermediaries to which they apply. 4)Unbound, except as indicated in the horizontal section.	1)Unbound 2)Unbound 3)None 4)Unbound, except as indicated in the horizontal section.	

Financial portfolio management supplied by security intermediaries (This does not under any circumstances include the following: management of mutual funds, foreign capital investment funds, investment funds and pension funds.)	1)Unbound 2)Unbound 3)Financial portfolio management services supplied by securities intermediaries established as legal persons in Chile, require prior enrolment in the Register of stockbrokers and securities agents maintained by the SVS. In addition to the legal requirement concerning patrimony , the SVS may impose more stringent non-discriminatory provisions regarding economic solvency on the intermediaries, taking into account the nature of their operations, the amounts involved, the type of instrument negotiated, and the category of intermediaries to which they apply. 4)Unbound, except as indicated in the horizontal section.	1)Unbound 2)Unbound 3)None 4)Unbound, except as indicated in the horizontal section.	
Management of funds of third parties performed by: (In no circumstances does this include management of pension funds and voluntary pension savings plans (<i>planes de ahorro previsional voluntario</i>)) i) Mutual funds management companies. ii) Investment funds management	1) Unbound 2) Unbound 3) The Fund management service may be carried out by corporations set up for that sole purpose, constituted in Chile, with authorisation from the SVS. Foreign capital investment funds may also be managed by investment funds management companies. 4) Unbound, except as indicated in the horizontal section.	1) Unbound 2) Unbound 3) None, except for foreign capital investment funds (Law 18.657) in which the capital contributed may not be remitted abroad until five years from the date in which the contribution was made. 4) Unbound except as indicated in the horizontal section.	

iii) companies Foreign capital investment funds management companies.			
Management of voluntary pension savings plans (<i>Planes de ahorro previsional voluntario</i>)	1) Unbound 2) Unbound 3) Unbound until 1 March 2005. After that date, unbound with respect to Article 118 (2) (e). The voluntary savings plans may only be offered by mutual funds and investment funds managers established in Chile in accordance with the terms set out above. Those plans must have prior authorisation from the SVS. 4) Unbound, except as indicated in the horizontal section.	1) Unbound 2) Unbound 3) Unbound until 1 March 2005. After that date, none. 4) Unbound except as indicated in the horizontal section	
Service of clearing houses for derivatives (contracts for futures and options on securities).	1) Unbound 2) Unbound 3) Clearing houses for futures contracts and options on securities must be constituted in Chile as corporations for that sole purpose and with an authorisation from the SVS. They may only be constituted by stock exchanges and their stockbrokers. 4) Unbound, except as indicated in the	1) Unbound 2) Unbound 3) None	

	horizontal section.	4) Unbound, except as indicated in the horizontal section.	
General deposit warehouses (warrants) (Corresponds to merchandise warehousing services accompanied by the issue of a deposit certificate and a chattel mortgage receipt (<i>vale de prenda</i>).)	1)Unbound* 2)Unbound 3)Only legal persons duly constituted in Chile who have the supply of warrant services as their sole purpose. 4)Unbound, except as indicated in the horizontal section.	1)Unbound* 2)Unbound 3)None 4)Unbound, except as indicated in the horizontal section.	

* Unbound as not technically viable

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
d) Other financial services			
Provision and transfer of financial information and financial data processing and related software by suppliers of other financial services.	1)Unbound 2)Unbound 3)None 4)Unbound, except as indicated in the horizontal section.	1)Unbound 2)Unbound 3)None 4)Unbound, except as indicated in the horizontal section.	