Annex III
Schedule of Australia

Non-Conforming Measures of Australia with respect to Financial Services

Introductory Note for the Schedule of Australia

1. The Schedule of Australia to Annex III sets out:

(a) headnotes that limit or clarify the commitments of Australia with respect to the obligations described in subparagraphs (b) and (c);

(b) in Section 1, pursuant to Article 12.10.1 (Non-Conforming Measures – Financial Services), the existing measures of Australia that do not conform with some or all of the obligations imposed by:

(i) Article 12.3 (National Treatment – Financial Services);

(ii) Article 12.4 (Most-Favoured-Nation Treatment – Financial Services);

(iii) Article 12.5 (Market Access for Financial Institutions– Financial Services);

(iv) Article 12.6 (Cross-Border Trade – Financial Services); or

(v) Article 12.9 (Senior Management and Boards of Directors – Financial Services); and

(c) in Section 2, pursuant to Article 12.10.2 (Non-Conforming Measures – Financial Services), the specific sectors, sub-sectors or activities for which Australia may maintain existing, or adopt new or more restrictive, measures that do not conform with the obligations imposed by:

(i) Article 12.3 (National Treatment);

(ii) Article 12.4 (Most-Favoured-Nation Treatment);

(iii) Article 12.5 (Market Access for Financial Institutions);

(iv) Article 12.6 (Cross-Border Trade); or

(v) Article 12.9 (Senior Management and Boards of Directors);

2. Each entry in Section 1 as described in subparagraph 1(b) sets out the following elements:

(a) **Sector** refers to the general sector for which the entry is made;

附件III 澳大利亚附
表

澳大利亚在金融服务方面的非符合措施

澳大利亚附表介绍

1. 附件III的澳大利亚附表列出了：

(a) 标题，限制或阐明澳大利亚在(b)和(c)所描述的义务方面的承诺；
(b) 在第1节中，根据第12.10.1条（金融服务非符合措施），澳大利亚现行的、不符合由以下一项或多项规定的义务的措施：(i) 第12.3条（金融服务国民待遇）；(ii) 第12.4条（金融服务最惠国待遇）；(iii) 第12.5条（金融机构市场准入——金融服务）；(iv) 第12.6条（跨境贸易——金融服务）；或(v) 第12.9条（高级管理人员和董事会——金融服务）；以及

(c) 在第2节中，根据第12.10.2条（非符合措施——金融服务），对于澳大利亚可能维持现有或采用新的或更严格的、不符合所施加的债务的特定部门、子部门或活动，包括：

(i) 第12.3条（国民待遇）；(ii) 第12.4条（最惠国待遇）；(iii) 第12.5条（金融机构市场准入）；(iv) 第12.6条（跨境贸易）；或 (v) 第12.9条（高级管理人员和董事会）；

2. 第1节中根据子句1(b)所述的每项条目列出了以下要素：

(a) 部门是指作出列入的部门；

(b) **Obligations Concerned** specifies the obligation(s) referred to in paragraph 1(b) that, pursuant to Article 12.10.1 (Non-Conforming Measures – Financial Services), do not apply to the listed measure(s);

(c) **Level of Government** indicates the level of government maintaining the listed measure(s);

(d) **Source of Measure** identifies the laws, regulations or other measures that are the source of the non-conforming measure for which the entry is made. A measure cited in the Source of Measure element:

(i) means the measure as amended, continued or renewed as of the date of entry into force of this Agreement, and

(ii) includes any subordinate measure adopted or maintained thereunder; and

(e) **Description** sets out the non-conforming aspects of the measure for which the entry is made.

3. Each entry in Section 2 as described in subparagraph 1(c) sets out the following elements:

(a) **Sector** refers to the general sector for which the entry is made;

(b) **Obligations Concerned** specifies the obligation(s) referred to in paragraph 1(c) that, pursuant to Article 12.10.2 (Non-Conforming Measures – Financial Services), do not apply to the sectors, sub-sectors, or activities listed in the entry;

(c) **Level of Government** indicates the level of government maintaining the listed measure(s); and

(d) **Description** sets out the scope of the sectors, subsectors, or activities covered by the entry.

4. For entries in Section 1, in accordance with Article 12.10.1(a) (Non-Conforming Measures – Financial Services), the articles of this Agreement specified in the **Obligations Concerned** element of an entry do not apply to the measures identified in the **Description** element of that entry except to the extent the measure identified in the **Description** element is inconsistent with a Specific Commitment in Annex 12-B (Annex on Specific Commitments, Section C Portfolio Management).

5. For entries in Section 2, in accordance with Article 12.10.2, the articles of this Agreement specified in the **Obligations Concerned** element of an entry do not apply to the sectors, sub-sectors and activities identified in the **Description** element of that entry.

6. Where Australia maintains a measure that requires that a service supplier be a citizen, permanent resident or resident of its territory as a condition to the provision of a service in its territory, a listing for that measure taken in Annex III with respect to Articles 12.3, 12.4, 12.5 or 12.6 shall operate as a non-conforming measure with

(b) 相关义务指根据第12.10.1条（非符合措施——金融服务）不适用于所列措施的相关义务；(c) 政府层级指维持所列措施政府层级；(d) 措施来源指作出列入的非符合性措施的法律、法规或其他措施来源。在措施来源元素中列出的措施：(i) 指自本协定生效之日起修订、延续或重新批准的措施，以及(ii) 包括根据其制定的任何附属措施；以及(e) 描述指作出列入的措施的非符合性方面。

3. 第2节中根据第1(c)段所述的每项条目列出了以下要素：

(a) 部门是指该条目所针对的一般部门；(b) 相关义务指定了第1(c)段中提到的义务，根据第12.10.2条（非符合措施——金融服务），这些义务不适用于条目中列出的部门、子部门或活动；(c) 政府层级表明维持所列措施的政府层级；以及(d) 描述列出了条目所涵盖的部门、子部门或活动的范围。

4. 对于第1节的条目，根据第12.10.1(a)条（非符合措施——金融服务），除非描述元素中确定的措施与附件12-B（具体承诺附件，第C部分投资组合管理）中的具体承诺不一致，否则该条目中相关义务元素中指定的本协定条款不适用于该条目描述元素中确定的措施。

5. 对于第2节中的条目，根据第12.10.2条，条目中相关义务元素中指定的本协定条款不适用于该条目描述元素中确定的部门、子部门和活动。

6. 当澳大利亚维持一项要求服务供应商为其领土的公民、永久居民或居民才能在其领土内提供服务措施的条件下，附件III中针对第12.3条、第12.4条、第12.5条或第12.6条所列的措施应作为非符合性措施，在以下方面适用：

respect to Articles 10.3 (National Treatment, Investment Chapter), 10.4 (Most-Favoured-Nation Treatment, Investment Chapter) and Article 10.7 (Performance Requirements, Investment Chapter), to the extent of that measure.

7. Australia reserves the right to maintain and to add to Section 1 of this Schedule any non-conforming measure at the regional level of government that existed at 1 January 2005, but was not listed in this Schedule at the date of entry into force of this Agreement, against the following obligations:

(i) Article 12.3 (National Treatment – Financial Services);

(ii) Article 12.4 (Most-Favoured-Nation Treatment – Financial Services);

(iii) Article 12.6 (Cross-Border Trade – Financial Services); or

(iv) Article 12.9 (Senior Management and Boards of Directors – Financial Services).

第10.3条（国民待遇，投资章节）、第10.4条（最惠国待遇，投资章节）和第10.7条（业绩要求，投资章节），在上述措施所规定的范围内。

7. 澳大利亚保留维持和增加本附表第1节中任何在2005年1月1日存在于区域级别政府但未在本协定生效之日列于本附表的非符合性措施的权利，以履行以下债务：

(i) 第12.3条（国民待遇——金融服务）； (ii) 第12.4条（最惠国待遇——金融服务）； (iii) 第12.6条（跨境贸易——金融服务）；或 (iv) 第12.9条（高级管理人员和董事会——金融服务）。

Annex III
Non-Conforming Measures of Australia with Respect to Financial Services

Headnotes

1. Commitments under this Chapter are undertaken subject to the limitations and conditions set forth in these headnotes and the Schedule below.

2. To clarify Australia's commitment with respect to Article 12.5 (Market Access for Financial Institutions – Financial Services), juridical persons supplying financial services and constituted under the laws of Australia are subject to non-discriminatory limitations on juridical form.[III-1]

3. A foreign bank that operates a representative office in Australia is not permitted to undertake any banking business, including advertising for deposits, in Australia. Such a representative office is only permitted to act as a liaison point. Such requirements are consistent with Article 12.3 (National Treatment – Financial Services).

[III-1] For example, partnerships and sole proprietorships are generally not acceptable juridical forms for authorised depository institutions in Australia. This headnote is not itself intended to affect, or otherwise limit, a choice by a financial institution of the other Party between branches or subsidiaries.

附件III 澳大利亚关于金融服务的非符合措施

标题

1. 本章下的承诺受限于本标题和下附附表所规定的限制和条件。 2. 为明确澳大利亚关于第12.5条（金融机构市场准入—金融服务）的承诺，根据澳大利亚法律设立的提供金融服务的法人形式，应受非歧视性限制。[III-1]3. 在澳大利亚设立代表处的外国银行不被允许在澳大利亚从事任何银行业务，包括存款广告，该代表处仅被允许作为联络点。这些要求与第12.3条（国民待遇——金融服务）一致。

[III-1] 例如，合伙企业和个体工商户通常不被澳大利亚的授权存款机构接受为法人形式。本标题本身并非旨在影响或以其他方式限制金融机构选择另一方在分支机构或子公司之间的选择。

Annex III

Schedule of Australia
Section 1

Sector:	Financial Services
Obligations Concerned:	National Treatment (Article 12.3)
Level of Government:	Central
Source of Measure:	*Banking Act 1959* (Cth) *Payment Systems (Regulation) Act 1998* (Cth)
Description:	A branch of a foreign bank that is authorised as a deposit taking institution in Australia (foreign ADI) is not permitted to accept initial deposits (and other funds) from individuals and non-corporate institutions of less than $A250,000.

附件III

澳大利亚第一部分

部门:	金融服务
相关义务:	国民待遇（第12.3条）
级别 政府:	中央
措施来源:	1959年银行法（联邦）支付系统（监管）法（联邦）
描述:	在澳大利亚被授权为存款机构的（外国存款机构）外国银行分支机构，不得接受来自个人和非公司机构的初始存款（及其他资金），金额低于25万美元。

Sector:	Financial Services	部门:	金融服务
Obligations Concerned:	Senior Management and Boards of Directors (Article 12.9)	相关义务:	高级管理人员和董事会（第12.9条）
Level of Government:	Central	政府层级:	中央
Source of Measure:	*Corporations Act 2001* (Cth)	措施来源:	2001年公司法（联邦）
Description:	At least two of the directors of a public company must be ordinarily resident in Australia.	描述:	上市公司至少有两名董事必须在澳大利亚通常居住。

Sector:	Financial Services
Obligations Concerned:	National Treatment (Article 12.3)
Level of Government:	Central
Source of Measure:	*Commonwealth Banks Act 1959* (Cth) *AIDC Sale Act 1997* (Cth) *Australian Industry Development Corporation Act 1970* (Cth)
Description:	Liabilities of the Commonwealth Bank and the Australian Industry Development Corporation (AIDC), previously Commonwealth Government-owned, are covered by transitional guarantee arrangements.

部门:	金融服务
相关义务:	国民待遇（第12.3条）
政府层级:	中央
措施来源:	1959年联邦银行法（联邦）1997年AIDC出售法（联邦） 1970年澳大利亚产业发展公司法（联邦）
描述:	联邦银行和澳大利亚产业发展公司（AIDC）的负债，此前为联邦政府所有，由过渡性担保安排提供担保。

Sector	Financial services
Obligations Concerned:	National Treatment (Article 12.3)
Level of Government:	Central
Source of Measure:	*Life Insurance Act 1995* (Cth)
Description:	Approval of non-resident life insurers is restricted to subsidiaries incorporated under Australian law.

部门	金融服务
相关义务:	国民待遇（第12.3条）
级别政府:	中央
来源措施:	1995年人寿保险法案（联邦）
描述:	非居民人寿保险机构的批准仅限于根据澳大利亚法律注册的子公司。

Sector:	Financial services
Sub-sector:	Credit providers, debt collectors, and finance brokers
Obligations Concerned:	National Treatment (Article 12.3)
Source of Measure:	*Credit (Administration) Act 1984* (WA) Credit (Administration) Regulations 1985 (WA) *Debt Collectors Licensing Act 1964* (WA) Debt Collectors Licensing Regulations 1964 (WA) *Finance Brokers Control Act 1975* (WA) Finance Brokers (General) Regulations 1977 (WA)
Description:	A natural person (whether alone or in partnership with other persons) or an incorporated body seeking to carry on a business of providing credit in Western Australia (including where the provision of the credit is connected with the carrying on of another business), must have a principal office in Australia and a principal place of business in Western Australia. Any person (including an incorporated body) seeking to exercise or carry on the business or any functions of a debt collector in Western Australia, must have a principal place of business in the State. A natural person seeking to carry on business as a finance broker in Western Australia must be ordinarily resident in Western Australia. A finance broker must have a registered office in Western Australia while carrying on business as a broker.

部门:	金融服务
子部门:	信贷提供者、债务收款人和金融中介
相关义务:	国民待遇（第12.3条）
措施来源:	信贷（管理）法案1984（西澳大利亚州） 信贷（管理）条例1985（西澳大利亚州） 债务收款人许可证法案1964（西澳大利亚州） 债务收款人许可证条例1964（西澳大利亚州） 金融中介控制法案1975（西澳大利亚州） 金融中介（通用）条例1977（西澳大利亚州）
描述:	自然人（单独或与其他人合伙）或法人实体，若希望在澳大利亚西澳大利亚州从事提供信贷的业务（包括信贷提供与另一业务的开展相关联的情况），必须在澳大利亚设有主要办事处，并在西澳大利亚州设有主要营业场所。 任何希望在澳大利亚西澳大利亚州行使或从事债务收款业务或任何职能的人（包括法人实体），必须在该州设有主要营业场所。 一个自然人若想在西澳大利亚州从事金融中介业务，必须通常居住在西澳大利亚州。金融中介在从事中介业务时，必须在西澳大利亚州设有注册办事处。

Sector:	Credit Providers, Debt Collectors and Finance Brokers
Obligations concerned:	National Treatment (Article 12.3)
Level of Government:	Regional
Source of Measure:	*Second-hand Dealers Pawnbrokers Act 2003 (Qld)*
Description:	A person operating as a second-hand dealer or as a pawnbroker must have a principal place of business in Queensland where a document can be served personally. A post office box does not suffice.

部门:	信贷提供者、债务收款人和金融中介
相关义务:	国民待遇（第12.3条）
政府层级:	区域
措施来源:	二手经销商 当铺 2003年（昆士兰）法案
描述:	作为二手经销商或当铺经营者，必须在昆士兰设有主要营业场所，以便可以亲自送达文件。邮政信箱不足以满足要求。

Annex III

Schedule of Australia

Section 2

Sector Financial Services

Obligations Concerned: Market Access for Financial Institutions (Article 12.5)

Description Australia reserves the right to adopt or maintain any measure relating to Article 12.5 (Market Access for Financial Institutions), except for the following sectors and sub-sectors subject to the limitations and conditions listed below:

Subsector	Limitation on Market Access
A. Insurance and insurance-related services	Approval of non-resident life insurers is restricted to subsidiaries.
	Most State and Territory Governments maintain restrictions, by way of monopolies or licensing provisions and associated controls on premiums and other terms of policies, in the following areas of insurance: Compulsory Third Party Motor Vehicle Accident: VIC, WA, TAS, NT (monopolies); NSW, QLD, SA, ACT (licensing, premiums/policy terms). Workers Compensation: SA, VIC, QLD (monopolies); NSW, WA, TAS (licensing, premiums/policy terms). Comcare is the monopoly provider of workers' compensation insurance to Commonwealth Government employees.
B. Banking and other financial services (excluding insurance)	A foreign bank located overseas is able to offer its services to Australian enterprises, but is not allowed to raise deposit funds in Australia or undertake business within Australia unless it is an authorised bank (or establishes a money market corporation, subsidiary, etc.). Foreign banks located overseas may, however, raise funds in Australia through the issue of debt securities provided that those securities are offered/traded in parcels of not less than $A500,000 and the securities and any information memoranda clearly state the issuing bank is not

附件III

澳大利亚第二部分时间表

部门 金融服务

债务相关: 金融机构市场准入（第12.5条）

描述 澳大利亚保留采用或维持与第12.5条（金融机构市场准入）相关的任何措施的权利，但以下部门和子部门受以下列出的限制和条件约束：

子部门	市场准入限制
A. 保险和与保险相关的服务	非居民寿险公司的批准仅限于子公司。
	大多数州和领地政府维持限制，通过垄断或许可的方式保费及相关控制规定，以及保单的其他条款，在以下保险领域：保险： 强制第三方机动车事故：维多利亚州、西澳大利亚州、塔斯马尼亚州、北领地（垄断）；新南威尔士州、昆士兰州、南澳大利亚州、澳大利亚首都领地（许可、保费/保单条款）。 工伤赔偿：南澳大利亚州，维多利亚州，昆士兰州(垄断)；新南威尔士州，西澳大利亚州，塔斯马尼亚州（许可，保费/保单条款）。 Comcare是联邦政府雇员工伤赔偿保险的垄断提供者。补偿保险至联邦政府政府雇员。
B. 银行及其他金融服务(不包括保险)	位于海外的外国银行能够向澳大利亚企业提供其服务，但不允许在澳大利亚筹集托管资金或从事为在澳大利亚筹集托管资金或进行在澳大利亚进行业务，除非它是授权的银行（或设立货币市场公司、子公司等）。位于海外的外国银行可以，但是，通过发行债务证券在澳大利亚筹集资金，前提是这些证券以不少于的整批形式提供/交易50万澳元和证券及任何信息信息备忘录明确说明发行银行不是

	authorised under the *Banking Act 1959* (Cth) in Australia.
	Foreign banks may undertake banking operations in Australia through locally incorporated subsidiaries and/or an authorised branch. However, a branch may not accept “retail” deposits. A foreign bank wishing to accept “retail” deposits must seek authorisation as a locally incorporated subsidiary for that purpose. Foreign bank branches may accept deposits (and other funds) in any amount from incorporated entities, non-residents and their own employees. Deposits (and other funds) may only be accepted from other sources where the initial deposit (or other funds) is greater than $A250,000. Deposit-taking outside of this is considered to be “retail” banking business.
	A number of State and Territory Governments operate central financing authorities through which the Government's wholly or partly-owned statutory authorities and business enterprises are obliged to borrow (and in some cases invest) their funds, or otherwise obtain certain financial services: SA - South Australian Government Financing Authority, Local Government Finance Authority of South Australia TAS - Tascorp NSW - NSW Treasury Corporation VIC - Treasury Corporation of Victoria QLD - Queensland Treasury Corporation, Queensland Investment Corporation NT - Northern Territory Treasury Corporation WA - Western Australian Treasury Corporation
	To obtain an Australian market licence, an applicant must be a body corporate. The responsible entity of a registered managed investment scheme must be a public company that holds an Australian financial services licence authorising it to operate a managed investment scheme.

	根据1959年银行法（联邦）授权在 澳大利亚。
	外国银行可以通过当地注册子公司在 澳大利亚开展银行业务 和/或授权分行。但是，分支机构可以 不接受“零售”存款。希望接受“零售”存款的外国银行必须 作为当地注册子公司为此目的寻求授权。 外国银行分支机构可以接受任何金额的存款（及其他资金） 从注册实体、非居民及其自身员工那里。 从注册实体、非居民及其自身员工那里。 从注册实体、非居民及其自身员工那里。 存款（及其他资金）只能从其他来源接受 ，其中初始存款（或其他 资金）必须大于25万美元。 超出此范围的存款业务被视为“零售”银行业务 。
	一些州和领地政府 通过中央融资机构运营 政府全资或部分拥有的法定机构 企业有义务 借款（在某些情况下投资）其资金，或 以其他方式获得某些金融服务： SA - 南澳大利亚州政府融资 机构， 地方政府金融管理局 澳大利亚南领地 TAS - 塔斯马尼亚州投资公司 NSW - 新南威尔士州财政部 VIC - 维多利亚州财政部 昆士兰州 - 昆士兰州财政部， 昆士兰州投资公司 北领地 - 北领地财政部 西澳大利亚州 - 西澳大利亚州财政部
	要获得澳大利亚市场许可证，申请人 必须是法人实体。 注册管理投资计划的责任实体必须是一家上市公司， 持有澳大利亚金融服务许可证， 授权其运营受管理的投资计划， 该计划。 方案。

Sector:	Financial Services
Obligations Concerned:	National Treatment (Article 12.3)
Level of Government	Central and regional
Description:	Australia reserves the right to adopt or maintain any measure[III-2] with respect to the guarantee by government of government-owned entities, including guarantees related to the privatisation of such entities, which may conduct financial operations. *Queensland Investment Corporation Act 1991* (Qld) *Queensland Treasury Corporation Act 1988* (Qld) *State Financial Institutions and Metway Merger Facilitation Act 1996* (Qld)

[III-2] That is, measures that would be excluded from the application of Chapter 12 (Financial Services) under Article 12.2.3(b), except for the application of Australia's policy on competitive neutrality which in general allows competition and avoids providing a net competitive advantage to an entity by virtue of its public sector ownership.

部门:	金融服务
相关义务:	国民待遇（第12.3条）
级别 政府	中央和地方
描述:	澳大利亚保留采取或维持任何措施[III-2]的权利，这些措施涉及政府为政府拥有的实体提供的担保，包括与此类实体的私有化相关的担保，这些实体可以开展金融业务。 昆士兰投资公司法案1991年（昆士兰） 昆士兰财政公司法案1988年（昆士兰） 州金融机构和梅特韦合并便利法案1996年（昆士兰）

[III-2]也就是说，根据第12章（金融服务）第12.2.3(b)条的规定，将被排除在外的措施，除了澳大利亚关于竞争中性的政策的应用，该政策通常允许竞争，并避免因公共部门所有权而向实体提供净竞争优势。

Annex III
Schedule of Chile

Non-Conforming Measures of Chile with respect to Financial Services

Introductory Note for the Schedule of Chile

1. The Schedule of Chile to Annex III sets out:

(a) in the headnotes, the limitations or clarifications to the commitments of Chile with respect to the obligations described in Sections 1 and 2;

(b) in Section 1, pursuant to Article 12.10.1 (Non-Conforming Measures), the existing measures of Chile that are not subject to some or all of the obligations imposed by:

(i) Article 12.3 (National Treatment – Financial Services);

(ii) Article 12.4 (Most-Favoured-Nation Treatment – Financial Services);

(iii) Article 12.5 (Market Access for Financial Institutions – Financial Services);

(iv) Article 12.6 (Cross-Border Trade – Financial Services); or

(iv) Article 12.9 (Senior Management and Boards of Directors – Financial Services); and

(c) in Section 2, pursuant to Article 12.10.2 (Non-Conforming Measures), the existing and future measures of Chile that are not subject to some or all of the obligations imposed by:

(i) Article 12.3 (National Treatment – Financial Services);

(ii) Article 12.4 (Most-Favoured-Nation Treatment – Financial Services);

(iii) Article 12.5 (Market Access for Financial Institutions – Financial Services);

(iv) Article 12.6 (Cross-Border Trade – Financial Services); or

(v) Article 12.9 (Senior Management and Boards of Directors – Financial Services).

2. Each entry in Section 1 as described in subparagraph 1(b) sets out the following elements:

(a) **Sector** to which the non-conforming measure applies;

附件III 智利附
表

智利在金融服务方面的非符合性措施

智利附表引言

智利附件III的附表规定了：

(a) 在标题中，对承诺的限制或说明
智利关于第1节和第2节所述的债务；(b)在第1节中，根据第12.10.1条（非符合性措施），智利现行的、未受以下一项或多项债务约束的措施：(i)第12.3条（国民待遇——金融服务）；(ii)第12.4条（最惠国待遇——金融服务）；(iii)第12.5条（金融机构市场准入——金融服务）；(iv)第12.6条（跨境贸易——金融服务）；或(iv)第12.9条（高级管理人员和董事会——金融服务）；和

(c) 在第2节中，根据第12.10.2条（非符合性措施），
智利现存的和未来的措施，这些措施未受全部或部分由以下所施加的债务约束：

(i) 第12.3条（国民待遇——金融服务）； (ii) 第12.4条（最惠国待遇——金融服务）； (iii) 第12.5条（金融机构市场准入——金融服务）；(iv) 第12.6条（跨境贸易——金融服务）；或 (v) 第12.9条（高级管理人员和董事会——金融服务）。

2. 第1节中根据子句1(b)所述的每一项列出以下要素：

(a) 非符合性措施适用的部门；

(b) **Subsector** of the financial services sector to which the non-conforming measure applies;

(c) **Obligations Concerned** specifies the obligation(s) referred to in subparagraph 1(b) that, pursuant to Article 12.10.1, do not apply to the listed measures;

(d) **Measures** identifies the laws, regulations or other measures for which the entry is made. A measure cited in the **Measures** element:

(i) means the measure as amended, continued or renewed as of the date of entry into force of this Agreement, and

(ii) includes any subordinate measure adopted or maintained under the authority of and consistent with the measure;

(e) **Description** provides a general, non-binding description of the **Measures**.

3. Each entry in Section 2 as described in subparagraph 1(c) sets out the following elements:

(a) **Sector** to which the non-conforming measure applies or will apply;

(b) **Subsector** of the financial services sector to which the non-conforming measure applies or will apply;

(c) **Obligations Concerned** specifies the obligation(s) referred to in subparagraph 1(c) that, pursuant to Article 12.10.2, do not or will not apply to the listed measures;

(d) **Measures**, as applicable, identifies the laws, regulations or other measures for which the entry is made. A measure cited in the **Measures** element:

(i) means the measure as amended, continued or renewed as of the date of entry into force of this Agreement, and

(ii) includes any subordinate measure adopted or maintained under the authority of and consistent with the measure;

(e) **Description** provides a general, non-binding description of the **Measures**.

4. In accordance with Article 12.10.1(a) and 12.10.2, the articles of this Agreement specified in the Obligations Concerned element of an entry do not apply to the laws, regulations or other measures identified in the Measure or in the Description element of that entry.

(b) 金融服务部门的子部门，非符合性措施适用； (c) 相关义务指定了在第1(b)项中提到的义务，根据第12.10.1条，这些义务不适用于列名措施；
(d) 措施确定了作出记录的法律、法规或其他措施。在措施元素中引用的措施： (i) 指本协定生效日期修订、延续或重新批准的措施， 以及 (ii) 包括根据并与该措施一致而制定或维持的任何附属措施；

(e) 描述提供了对措施的一般性、非约束性描述。

3. 第2节中根据第1(c)项下所述的每一项均列出了以下要素：

(a) 非符合性措施适用的部门；(b) 金融服务部门的子部门，非符合性措施将适用；(c) 相关义务指定了第1(c)项中提到的义务，根据第12.10.2条，这些义务不适用于或不会适用于列名措施；(d) 措施，如适用，确定所做条目的法律、法规或其他措施。措施元素中引用的措施：(i) 指本协定生效之日起修订、延续或重新批准的措施，(ii) 包括根据并与该措施一致而制定或维持的任何附属措施；(e) 描述提供了对措施的一般性、非约束性描述。

4. 根据 第12.10.1条(a)和12.10.2条，条目中相关义务元素中指定的本协定条款不适用于该条目中措施或描述元素中确定的法律法规或其他措施。

Annex III
Non-Conforming Measures of Chile with Respect to Financial Services

Headnotes

1. Commitments in the financial services sector under this Agreement are undertaken subject to the limitations and conditions set forth in these headnotes and the schedule below.

2. Juridical persons supplying financial services and constituted under the laws of Chile are subject to non-discriminatory limitations on juridical form.[III-3]

[III-3] For example, partnerships (*sociedades de personas*) are generally not acceptable juridical forms for financial institutions in Chile. This headnote is not in and of itself intended to affect, or otherwise limit, a choice by a financial institution of the other Party between branches or subsidiaries.

附件III 智利在金融服务方面的非符合措施

标题

1. 根据本协定，金融服务部门下的承诺受限于本标题和以下附表所述的限制和条件。

2. 智利法律下成立、提供金融服务的法人受法人形式非歧视性限制.[III-3]

[III-3] 例如，合伙企业（个人合伙）通常不被智利金融机构接受的法人形式。本标题本身并不旨在影响或以其他方式限制金融机构选择另一方分支机构或子公司的决定。

Annex III

Schedule of Chile

Section 1

Sector:	Financial Services
Subsector:	Banking and Other Financial Services
Obligations Concerned:	Senior Management and Boards of Directors (Article 12.9)
Measures:	*Ley N° 18.045*, Official Gazette of October 22, 1981, *Ley de Mercado de Valores*, Titles VI and VII, Articles 24, 26 and 27.
Description:	The directors, administrators, managers or legal representatives of legal entities performing the activities of stockbroker and securities agent must be Chileans or foreigners with a residence permit.

附件III

智利第1节

部门:	金融服务
子部门:	银行及其他金融服务
相关义务:	高级管理人员和董事会（第12.9条）
措施:	第18.045号法律，1981年10月22日官方公报，证券市场法，第六和第七章，第24、26和27条。
描述:	法律实体的董事、管理员、经理或法定代表人从事证券经纪人和证券代理人活动时，必须是智利人或持有居留许可的外国人。

Sector:	Financial Services
Subsector:	Banking and Other Financial Services
Obligations Concerned:	National Treatment (Article 12.3)
Measures:	*Ley N° 18.657*, Official Gazette of September 29, 1987, *Ley de Fondos de Inversión de Capital Extranjero*, Title II, Article 14.
Description:	The capital of a foreign capital investment fund may not be remitted abroad until five years from the date in which the contribution was made.

部门:	金融服务
子部门:	银行及其他金融服务
相关义务:	国民待遇（第12.3条）
措施:	第18.657号法律，1987年9月29日官方公报，外国资本投资基金法，第二编，第14条。
描述:	外国资本投资基金的资本不得在出资之日起五年内汇往国外。

Sector:	Financial Services
Subsector:	Banking and other Financial Services
Obligations Concerned:	National Treatment (Article 12.3)
Measures:	*Ley N° 18.045*, Official Gazette of October 22, 1981, *Ley de Mercado de Valores*, Titles VI and VII, Articles 24 and 26.
Description:	Natural persons performing the activity of stockbroker and securities agent in Chile must be Chileans or foreigners with a residence permit.

部门:	金融服务
子部门:	银行及其他金融服务
相关义务:	国民待遇（第12.3条）
措施:	第18.045号法律，1981年10月22日官方公报，证券市场法，第六和第七章，第24和第26条。
描述:	在智利从事证券经纪人及证券代理人活动的自然人必须是智利人或持有居留许可的外国人。

Sector:	Financial Services
Subsector:	Insurance and Insurance-related Services
Obligations Concerned:	Senior Management and Boards of Directors (Article 12.9)
Measures:	*Decreto con Fuerza de Ley N° 251*, Official Gazette of May 22, 1931, *Ley de Seguros*, Title III, Article 58. *Decreto Supremo N° 863 de 1989 del Ministerio de Hacienda*, Official Gazette of April 5, 1990, *Reglamento de los Auxiliares del Comercio de Seguros*, Title I, Article 2, letter c).
Description:	Administrators and legal representatives of legal entities performing the activity of insurance brokerage must be Chileans or foreigners with a residence permit.

部门:	金融服务
子部门:	保险及相关服务
相关义务:	高级管理人员和董事会（第12.9条）
措施:	第251号具有法律效力的法令，1931年5月22日官方公报，保险法，第三篇，第58条。 1989年第863号最高法令（财政部），1990年4月5日官方公报，保险商业辅助人员规章，第一编，第2条，c项。
描述:	法律实体从事保险经纪活动的管理员和法定代表人必须是智利人或持有居留许可的外国人。

Sector: Financial Services

Subsector: Insurance and Insurance-related Services

Obligations Concerned: National Treatment (Article 12.3)

Measures: *Decreto con Fuerza de Ley N° 251*, Official Gazette of May 22, 1931, *Ley de Seguros*, Title I, Article 16.

Description: Reinsurance brokerage can be performed by foreign reinsurance brokers. These brokers shall be juridical persons, demonstrate that the entity is legally established in its country of origin and authorised to intermediate risks ceded from abroad, and provide the date that such authorisation was granted. Such entities shall designate a representative in Chile to represent them with broad powers. The representative may be subject to summons and must have residence in Chile.

部门: 金融服务

子部门: 保险及相关服务

相关义务: 国民待遇（第12.3条）

措施: 第251号具有法律效力的法令，1931年5月22日官方公报，保险法，第一编，第16条。

描述: 再保险经纪可以由外国再保险经纪人进行。这些经纪人应为法人，证明该实体在其原籍国合法设立，并授权转介境外风险，并提供该授权的日期。此类实体应在智利指定一名代表，代表他们行使广泛权力。该代表可能受到传唤，并且必须在智利居住。

Sector:	Financial Services	部门:	金融服务
Subsector:	Insurance and Insurance-related Services	子部门:	保险及相关服务
Obligations Concerned:	Senior Management and Boards of Directors (Article 12.9)	相关义务:	高级管理人员和董事会（第 12.9)
Measures:	*Decreto con Fuerza de Ley 251*, Official Gazette of May 22, 1931, *Ley de Seguros*, Title III, Article 62.	措施:	第251号具有法律效力的法令，1931年5月22日官方公报，保险法，第三篇，第62条。
Description:	The administrators and legal representatives of legal entities performing the activity of claim settlement must be Chileans or foreigners with a residence permit.	描述:	法律实体的管理员和法定代表人 从事索赔结算活动必须是智利人或持有居留许可的外国人。

Sector:	Financial Services
Subsector:	Insurance and Insurance-related Services
Obligations Concerned:	National Treatment (Article 12.3)
Measures:	*Decreto con Fuerza de Ley N° 251*, Official Gazette of May 22, 1931, *Ley de Seguros*, Title I, Article 20.
Description:	In the case of the types of insurance covered in *Decreto Ley 3.500*, involving the cession of reinsurance to foreign reinsurers, the deduction for reinsurance cannot exceed 40 per cent of the total of the technical reserves associated with those types of insurance or a higher percentage if set by the *Superintendencia de Valores y Seguro*s.

部门:	金融服务
子部门:	保险及相关服务
相关义务:	国民待遇（第12.3条）
措施:	第251号具有法律效力的法令，1931年5月22日官方公报，保险法，第一编，第20条。
描述:	在涉及第3500号法令所涵盖的保险类型中，若将再保险转让给外国再保险人，则再保险扣除额不能超过与这些保险类型相关的技术储备总额的40%，或由证券和保险监管局设定的更高比例。

Sector:	Financial Services
Subsector:	Insurance and Insurance-related Services
Obligations Concerned:	National Treatment (Article 12.3)
Measures:	*Decreto con Fuerza de Ley N° 251*, Official Gazette of May 22, 1931, *Ley de Seguros*, Title I, Articles 58 and 62. *Decreto Supremo N° 863 de 1989 del Ministerio de Hacienda*, Official Gazette of April 5, 1990, *Reglamento de los Auxiliares del Comercio de Seguros*, Title I, Article 2, letter c).
Description:	Natural persons performing the activity of insurance brokerage and claim settlement must be Chileans or foreigners with a residence permit.

部门:	金融服务
子部门:	保险及相关服务
相关义务:	国民待遇（第12.3条）
措施:	第251号具有法律效力的法令，1991年5月22日官方公报，保险法，第一编，第58条和第62条。 1989年第863号最高法令（财政部），1990年4月5日官方公报，保险商业辅助人员规章，第一编，第2条，c项。
描述:	从事保险经纪和索赔结算活动的自然人必须是智利人或持有居留许可的外国人。

Annex III

Schedule of Chile
Section 2

Sector:	Financial Services
Subsector:	All Subsectors
Obligations Concerned:	Market Access for Financial Institutions (Article 12.5)
Description:	Chile reserves the right to adopt measures that restrict or require specific types of juridical form or establishment, such as subsidiaries, with respect to financial conglomerates, including the entities forming part of it.

附件III

智利第2节附表

部门:	金融服务
子部门:	所有子部门
相关义务:	金融机构市场准入（第12.5条）
描述:	智利保留采取限制或要求特定法人形式或设立措施的权利，例如子公司，针对金融集团，包括其组成部分的实体。

Sector:	Financial Services
Subsector:	All Subsectors
Obligations Concerned:	Cross-Border Trade (Article 12.6)
Measures:	*Ley 18.840*, Official Gazette of October 10, 1989, *Ley Orgánica Constitucional del Banco Central de Chile*, Title III.
Description:	The purchase of financial services, by persons located in the territory of Chile and its nationals wherever located, from financial services suppliers of Australia shall be subject to the exchange rate regulations adopted or maintained by the *Banco Central de Chile* in accordance with its Organic Law (*Ley 18.840*).

部门:	金融服务
子部门:	所有子部门
相关义务:	跨境贸易（第12.6条）
措施:	第18.840号法律，1989年10月10日官方公报，智利中央银行组织宪法法，第三篇。
描述:	位于智利领土及其国民无论身处何地，从澳大利亚的金融服务供应商处购买金融服务，应遵守智利中央银行根据其组织法（第18.840号法律）制定或维持的汇率法规。

Sector:	Financial Services
Subsector:	All Subsectors
Obligations Concerned:	National Treatment (Article 12.3) Senior Management and Boards of Directors (Article12.9)
Description:	In the transfer or disposal of any interest in stock or asset held in an existing state enterprise or governmental entity, Chile reserves the right to prohibit or impose limitations on the ownership of said interest or asset, and on the right of foreign investors or their investment to control any State company created thereby or investments made by the same. In connection with any such transfer or disposal, Chile may adopt or maintain any measure related to the nationality of senior management and member of the board of directors. 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 governmental entity.

部门:	金融服务
子部门:	所有子部门
相关义务:	国民待遇（第12.3条） 高级管理人员和董事会（第12.9条）
描述:	在转让或处置任何已持有的现有国有企业或政府实体的股票或资产权益时，智利保留禁止或对所述权益或资产的拥有权以及外国投资者或其投资的控制权施加限制的权利，以控制由此创建的任何国家公司或其投资。就任何此类转让或处置而言，智利可以采取或维持与高级管理人员和董事会成员国籍相关的任何措施。 "国家公司"是指任何由智利通过对其所有权中的利益股份拥有权益而拥有或控制的公司，并且它包括在本协定生效后为出售或处置现有国有企业政府实体的资本或资产中的利益股份而专门创建的任何公司。

Sector:	Financial Services
Subsector:	Banking and other Financial Services
Obligations Concerned:	National Treatment (Article 12.3)
Measures:	*Decreto Ley N° 2.079*, Official Gazette of January 18, 1978, *Ley Orgánica del Banco del Estado de Chile*. *Decreto Ley* N° 1.263, Official Gazette of November 28, 1975, *Decreto Ley Orgánico de Administración Financiera del Estado*, Article 6.
Description:	Chile may grant advantages or exclusive rights to *Banco del Estado de Chile*, a Chilean state owned bank, including but not limited to the following: the management of the Chilean government financial resources is made only through deposits in the *Cuenta Única Fiscal* and in its subsidiary accounts, all of which must be kept at *Banco del Estado de Chile*.

部门:	金融服务
子部门:	银行及其他金融服务
相关义务:	国民待遇（第12.3条）
措施:	第2.079号法令，1978年1月18日官方公报，智利国家银行组织法。 第1.263号法令，1975年11月28日官方公报，国家金融管理组织法，第6条。
描述:	智利可能向智利国家银行（智利国有银行）提供优惠或专有权利，包括但不限于以下内容：智利政府财政资源的管理仅通过在单一税务账户及其子公司账户中的存款进行，所有这些都必须存放在智利国家银行。

Sector:	Financial Services
Subsector:	Insurance and Insurance-related Services
Obligations Concerned:	Cross-Border Trade (Article 12.6)
Measures:	*Decreto con Fuerza de Ley N° 251*, Official Gazette of May 22, 1931, *Ley de Seguros*, Title I, Article 4.
Description:	All types of insurance that Chilean law makes or may make compulsory, and all insurance related to social security, cannot be contracted outside Chile. This non-conforming measure shall not apply to the types of insurance included in Chile's commitments listed in subparagraphs 2(a)(i) and 2(a)(ii) of Annex 12-A (Cross-Border Trade).

部门:	金融服务
子部门:	保险及相关服务
相关义务:	跨境贸易（第12.6条）
措施:	第251号具有法律效力的法令，1931年5月22日官方公报，保险法，第一编，第4条。
描述:	智利法律强制或可能强制实行的所有保险类型，以及与社会保障相关的所有保险，均不能在智利境外订立。此项非符合性措施不适用于附件第12-A（跨境贸易）第2(一)(i)和2(一)(ii)项中列出的智利承诺所包含的保险类型。

Sector: Financial Services

Subsector: Social Services

Obligations Concerned: National Treatment (Article 12.3)

Most-Favoured-Nation Treatment (Article 12.4)

Market Access for Financial Institutions (Article 12.5)

Cross-Border Trade (Article 12.6)

Senior Management and Boards of Directors (Article 12.9)

Description: Chile reserves the right to adopt or maintain any measure with respect to the provision of public law enforcement and correctional services, and the following services to the extent that they are social services established or maintained for reasons of public interest: income security or insurance, social security or insurance, social welfare, public education, public training, health care and child care.

部门: 金融服务

子部门: 社会服务

相关义务: 国民待遇（第12.3条）

最惠国待遇（第12.4条）

金融机构市场准入（第12.5条）

跨境贸易（第12.6条）

高级管理人员和董事会（第12.9条）

描述: 智利保留采取或维持与公共执法和矫正服务相关的任何措施的权利，以及保留在为社会公共利益而设立或维持的社会服务范围内提供以下服务的权利：收入保障或保险、社会保障或保险、社会福利、公共教育、公共培训、医疗保健和儿童保育。

Sector: Financial Services

Subsector: All Subsectors

Obligations Concerned: Market Access for Financial Institutions (Article 12.5)

Description: Chile reserves the right to adopt or maintain any measure with respect to Article 12.5 (Market Access for Financial Institutions), except for the following sectors, subsectors and financial services defined in accordance with the relevant Chilean legislation, subject to the terms, limitations and conditions specified below.

All Subsectors

1. 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 *Superintendencia de Bancos e Instituciones Financieras, SBIF* (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.

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

Subsector	**Limitation on Market Access**
a) Banking services**:**	
a.1) Core banking services and bank operations: Acceptance of deposits (includes only current bank accounts (*cuentas corrientes bancarias*), sight deposits, time deposits, savings accounts, financial instruments with repurchase agreements, and warranty deposits or surety bonds); Credit granting (includes only ordinary loans, consumer credit, loans in letters of credit, mortgage loans, mortgage loans in letters of credit,	Foreign banking institutions must be banking companies (*sociedades bancarias*) legally constituted in their country of origin and must put up the capital required by Chilean law. 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 recognised. For the purposes of foreign bank branch

部门: 金融服务

子部门: 所有子部门

债务关切: 金融机构市场准入（第12.5条）

描述: 智利保留采用或维持任何措施的权利，
涉及第12.5条（金融机构市场准入），
但以下部门、子部门和金融服务除外
根据相关智利立法定义，
并遵守下述条款、限制和条件。

所有子部门

1. 智利金融服务部门部分分割化，即，
获授权作为银行运营的机构，无论是国内还是外国机构，
不得直接参与保险和证券业务，反之亦然。但是，在获得
银行和金融机构监督局，SBIF（银行和金融机构监督局），智利境内的国内及外国银行可以设立子公司，以其自有和独立的资本，提供除其主营业务之外的其他金融服务，
其主营业务为定期接受或接收公众资金，并发放由证券或商业票据代表的货币信用或任何其他信用工具。
银行的主营业务是定期接受或接收公众资金，并发放由证券或商业票据代表的货币信用或任何其他信用工具。
银行的主营业务是定期接受或接收公众资金，并发放由证券或商业票据代表的货币信用或任何其他信用工具。
银行的主营业务是定期接受或接收公众资金，并发放由证券或商业票据代表的货币信用或任何其他信用工具。
工具。

2. 术语“CPC”是指临时中央产品分类（统计出版物
M 系列，第 77 号，联合国经济和社会事务部，联合国统计司，纽约，(1991））。
联合国，纽约，（1991）。

子部门	市场准入限制
a) 银行服务:	
a.1) 核心银行服务与银行 业务: 存款接受 仅包括当前的银行账户 存款，定期存款，储蓄账户， 托管，定期存款，储蓄账户 回购金融工具 协议，保证金或保证 债券）； 信贷发放 (仅包括普通贷款、消费者 信用、信用证贷款、抵押 贷款，信用证抵押贷款，	外国银行机构必须是银行 公司（银行公司）依法成立 在其原籍国并必须缴足资本 智利法律规定的资本。 外国银行机构只能运营: (i) 通过在智利设立的智利银行持股； 作为公司在智利成立； (ii) 通过在智利成立为公司； (iii) 作为外国公司的分支机构，在这种情况下， 原籍国的法律人格被承认。对外国银行分支机构而言， 公认的。根据外国银行分支机构的目的

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 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 (CPC 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 carried out according to the regulations issued or to be issued by the Central Bank of Chile; Operations with derivatives authorised or to be authorised by the Central Bank of Chile (includes only forwards and swaps of currency and interest rate); and Acceptance and execution of fiduciary operations.	operations in Chile, the capital effectively invested in Chile is considered, and not that of the main office. The increases of capital or reserves that do not come from capitalisation of other reserves, will have the same treatment as the initial capital and reserves. In the transactions between a branch and its main office abroad, both will be considered as independent entities. No foreign bank will be able to invoke rights derived from its nationality regarding transactions that its branch may carry out in 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.
a.2) Complementary banking services:	The supply of financial services that complement core banking services may be provided directly by these institutions, with prior authorisation from the SBIF, or through subsidiaries which the SBIF shall determine.
Financial leasing (CPC 81120)	Financial leasing services are regarded as

附带转售协议的金融工具购买 协议，银行保证债券发行信贷 或其他融资类型，发行和 进口和出口信用证的谈判 确认，立约 通过信用证）； 公开证券购买 (仅包括债券购买、信用证购买 、作为代理的股票认购和 承销，债券和信用证（承保）； 通过信用证）； 信用卡发行和运营 (CPC 81133) (仅包括在智利发行的 信用卡); 借记卡发行和运营; 旅行支票; 资金转移 (银行汇票); 贴现或购买汇票 交换和本票; 背书和第三方担保 智利货币和外国负债 货币 证券托管 外汇市场操作开展 依据已发布或待发布的法规 智利中央银行发布的; 衍生品业务授权或待授权 由智利中央银行授权 (仅包括远期和掉期) 货币和利率）；和 接受和执行信托 业务。	智利业务，实际投资于智利的资本 被视为，而不是总办事处。 资本或储备的增加，如果它们不来自 从其他储备的资本化，将具有 与初始资本和储备相同的处理方式。在 分支机构与其总办事处之间的 国外交易中，两者都将被视为独立 实体。没有外国银行能够援引其国籍 所涉及的权利，关于其国籍的交易 其分支机构可以在智利开展业务。 任何国家或外国、自然人或法人，均不得 直接或通过第三方获得某家银行的 股份，该银行单独或加上此类人 已持有的股份，代表银行资本超过10%, 而未首先获得 SBIF的授权。此外，合伙人 或者金融机构的股东可能不会 转让其一定比例的权利或股份 超过10%的公司而没有 已从SBIF获得授权。
a.2) 补充银行服务:	提供补充核心的金融服务 银行服务可直接由这些提供。 机构，事先获得SBIF授权的 通过SBIF应确定的子公司。
金融租赁（CPC 81120）	金融租赁服务被视为

(includes only leasing contracts for goods acquired at the client's request, i.e. they cannot acquire goods in order to stock them and offer them for leasing).	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 these institutions may only offer the services expressly authorised by the SBIF.
Advisory and other auxiliary financial services (CPC 8133) (includes only services indicated in the banking sector in this schedule).	None.
Factoring.	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 these institutions may only offer the services expressly authorised by the SBIF.
Management of funds of third parties performed by: (in no circumstances does this include management of pension funds and voluntary pension savings plans (*Planes de Ahorro Previsional Voluntario*)) i) Mutual funds management companies; ii) Investment funds management companies; iii) Foreign capital investment funds management companies; and iv) General funds management companies.	The management of funds of third parties is regarded as a complementary banking service and, therefore, in the case of banks can only be offered through subsidiaries as established in the General Banking Act and with prior authorisation of both the SBIF and the *Superintendencia deValores y Seguros*, SVS (Securities and Insurance Commission).
Intermediation of publicly offered securities (CPC 81321).	Banks can provide the services of intermediation of publicly offered securities through subsidiaries as established in the General Banking Act, either as securities agents and/or as stockbrokers. The description of agents and stockbrokers in horizontal note 1 of the securities services section of this schedule apply in this case. Except for the requirement to enrol in the relevant register of the SVS, in order to provide these services bank subsidiaries must comply with the securities laws and the norms issued by the SVS. Prior authorisation from both the SVS and the SBIF is required.
Securitisation.	Banks can provide the services of securitisation through subsidiaries as established in the General

(仅包括为货物签订的租赁合同 根据客户要求获得，即他们 不能获得货物以备库存 并为其提供租赁服务）。	补充银行服务，并因此 SBIF 有权扩展或限制 这些机构可能提供的金融租赁服务 的运营，并且这些机构只能提供 SBIF 明确授权的服务。
咨询和其他辅助金融服务 (CPC 8133) (仅包括本附表所述银行部门中的服务). 银行部门).	无.
保理.	保理服务被视为补充银行服务，因此，SBIF是 补充银行服务，因此，SBIF是 被授权扩展或限制其运营的 这些机构提供的金融保理服务 这些机构只能提供SBIF明确授权的 由SBIF明确授权的服务。
第三方资金管理 由： (在任何情况下都不包括 养老金管理和自愿 养老金储蓄计划（自愿预存养老金计划） 预览志愿人员 i) 共同基金管理公司； ii) 投资基金管理 公司； iii) 外国资本投资基金 管理公司；和 iv) 一般基金管理公司。	第三方资金管理被视为 补充银行服务，因此，在 银行的案例只能通过 通用银行法中设立的子公司 并获得SBIF和证券和保险监督局，SVS的 证券和保险监督局，SVS (证券和保险委员会)。
公开发行的证券中介 (CPC 81321).	银行可以通过子公司提供公开发行的证券中介服务， 这些子公司根据通用银行法设立， 可以作为证券代理人和/或证券经纪人。 代理人和证券经纪人的描述在水平 描述中。 本证券服务部分第1条注 附表在此情况下适用。除需注册SVS相关登记册的要求外， 为提供这些服务，银行子公司必须遵守证券法及SVS发布的规范， 事先授权。为提供这些服务，银行子公司必须遵守证券法及SVS发布的规范， 事先授权。为提供这些服务，银行子公司必须遵守证券法及SVS发布的规范， 事先授权。为提供这些服务，银行子公司必须遵守证券法及SVS发布的规范， SVS 和 SBIF 都需要。
证券化。	银行可以通过子公司提供证券化服务 如一般条款中所述。

	Banking Act. The description of securitisation corporations in horizontal note 9 of the securities services section of this schedule apply in this case. In order to provide these services, bank subsidiaries must comply with the securities laws and the norms issued by the SVS. Prior authorisation from both the SVS and the SBIF is required.
a.3) Representative offices of foreign banks.	The SBIF may authorise foreign banks to maintain representative offices acting as business agents for their main offices, and shall exercise upon them the same inspection authority granted upon the Superintendent by the *Ley General de Bancos* with respect to banking enterprises. Under no circumstances shall these representative offices have the right to perform any acts which pertain to the banking business. The authorisation given by the SBIF to representative offices is subject to revocation if its maintenance is found to be inconvenient, as expressed in the *Ley General de Bancos*. This is not intended to limit any remedies that the investor affected by the revocation of the authorisation may have under Chilean law to challenge the measure.

b) <u>Insurance and insurance-related services</u>:

1. In Chile, the insurance business is divided into two groups: the first group comprises companies that insure goods or property (*patrimonio*) 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/her 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 legal entities with the sole purpose of covering this type of risk, i.e. loss of or damage to the goods or property (*patrimonio*) 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.

Subsector	Limitation on Market Access
<u>Insurance</u>: Sale of direct life insurance (does not include insurance related to the social security system) (CPC 81211), and Sale of direct general insurance (CPC 8129, except for CPC 81299)	Insurance services can be provided only by insurance companies established in Chile as corporations or as branches of foreign corporations 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 corporations or branches with the sole

	银行法。证券化的描述 证券中的水平注释9中的公司 本附表的证券服务部分在此情况下适用。在 提供这些服务的情况下，银行子公司必须 遵守证券法和发布的规范 由 SVS 授权。需同时获得 SVS 和 SBIF 的事先授权。 和 SBIF 的事先授权是必需的。
a.3) 外国银行的代表处。SBIF 可授权外国银行设立代表处，作为其总办事处的业务代理人，并对其行使相同的检查权。	为其总办事处充当业务代理人的外国银行代表处。 对其行使相同的检查权。 授予的相同检查权。 由银行一般法任命的监管官 关于银行企业。在任何情况下均不得 在这种情况下，这些代表处将 执行任何与其相关行为的权利 银行业务。所授予的授权 SBIF 对代表处有权撤销 如果其维护被认为不方便，则 如《银行一般法》所述。这不是 旨在限制受授权撤销影响的投资者 可能根据智利法律拥有的任何救济措施。 可以挑战该措施。

b) <u>保险及相关服务:</u>

在智利，保险业务分为两组：第一组包括公司
那保障货物或财产（patrimonio）免受损失或损坏风险，而第二个
包括那些涵盖个人风险或担保，在某个特定期限之内或期限结束时提供资本的保险。
总额，一份已缴清保单或被保险人或其受益人的收入。同一种保险
公司不能以这种方式构成，以涵盖所有风险类别。

2. 信用保险公司，尽管被归类为第一组，必须成立为
以覆盖此类风险为唯一目的的法律实体，即因货币债务或贷款未支付而导致被保险人的财产（patrimonio）损失或损坏，也允许覆盖保证和忠实风险。
作为结果，被保险人的财产（patrimonio）损失或损坏，因货币债务或贷款未支付，也允许覆盖保证和忠实风险。
也允许覆盖保证和忠实风险。

子部门	市场准入限制
<u>保险:</u> 直接人寿保险的销售额 (不包括与社会保障制度相关的 保险) (CPC 81211)，以及 直接普通保险的销售额 (CPC 8129, 不包括CPC 81299)	保险服务只能由保险公司提供 在智利成立的作为公司或作为 外国公司分支机构的，其唯一目的是 发展这一业务线，无论是直接人寿 保险还是直接普通保险。在一般信用保险（81296）的情况下， 它们必须作为公司或分支机构成立，其唯一 目的是发展这一业务线。

(excluding the *Instituciones de Salud Previsional, ISAPRES* (social security health institutions) i.e. legal persons set up for the purpose of providing health benefits to 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 *Fondo Nacional de Salud, FONASA* (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).	purpose of covering this type of risk. Insurance corporations can be legally constituted only in accordance with the provisions of the law on corporations. For the purposes of foreign insurance branch operations in Chile, the capital and reserves (*patrimonio*) effectively invested in Chile is considered, and not that of the main office. Such capital and reserves (*patrimonio*) must be effectively transferred and converted into domestic currency in conformity with any of the systems authorised by Law or by the *Banco Central de Chile*. The increases in capital that do not come from the capitalisation of reserves will have the same treatment as the initial capital. In transactions between a branch and its main office or other related companies abroad they will be considered as independent entities. No foreign insurance company will be able to invoke rights derived from its nationality regarding transactions that its branch may carry out in Chile. Insurance may be issued directly or through insurance brokers who, to engage in that activity, must be enrolled in the Register maintained by the SVS, and must satisfy the requirements of the law.
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)).	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.
Insurance brokers (excludes insurance for international maritime transport, international commercial aviation and goods in international transit).	Must be enrolled in the Register maintained by the SVS and fulfil the requirements established by the SVS. Only legal persons legally constituted in Chile for this specific purpose may provide this service.
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 therefrom. Does not include national transport (cabotage)).	Must be enrolled in the Register maintained by the SVS and fulfil the requirements established by the SVS. Only legal persons legally constituted in Chile for this specific purpose may provide this service.
Reinsurance and retrocession	Reinsurance services are provided by reinsurance

附件三：澳大利亚时间表 描述： （不包括健康机构） 初步的，ISAPRES（社会保障健康） 机构）即设立的法人 提供健康福利的目的 选择成为会员的个人 通过法定出资筹集 应税收入的固定比例或更高金额，视情况而定。 它还排除了国家健康基金，FONASA（国家健康基金），一个由政府资助的公共机构。 它还排除了国家基金 它还排除了国家健康基金，FONASA（国家健康基金），一个由政府资助的公共机构。 由政府资助的公共机构 以及该法定出资的 法律规定的应税收入比例， 其需共同负责支付 可选健康计划下的福利 非ISAPRE成员的人 可以加入。不包括保险销售 用于国际海上运输， 国际商业航空和货物 在国际转运中）。	覆盖此类风险的目的。 保险公司只能根据法律的规定合法成立， 根据关于的法律的规定。 公司。 对于外国保险分支机构 在智利的业务，资本和储备 (patrimonio) 实际投资在智利的是 被考虑，而不是总办事处。这样的 资本和储备（patrimonio）必须实际 转让并兑换为本国货币 符合任何依法授权的系统 或智利中央银行。资本的增加若非来自 储备资本化，将与其他初始资本 具有相同的处理方式。在分支机构与其总部 之间的交易中 分支机构或其他国外关联公司，将被 视为独立实体。没有外国 保险公司将能够援引其国籍所 产生的权利，关于其分支机构在智利 可能进行的交易。 保险可以直接签发或通过保险 经纪人，为了从事该活动，必须 已注册在SVS维护的注册簿中，并 必须满足法律的要求。
保险销售（国际海事） 运输，国际商业航空 以及国际转运货物 (包括运输货物、运输货物的车辆 和由此产生的任何民事 责任。不包括国内运输（沿海运输）。 包括国内运输（沿海运输）。	国际海上运输、国际商业航空和货物 的保险服务。 在国际运输中可能由保险 在智利成立的公司和拥有 唯一目的开发直接普通保险业务 的保险公司。
保险经纪人 (不包括国际运输保险 海上运输，国际商业 航空和国际转运货物）。	必须在SVS维护的注册簿中注册 SVS，并满足SVS建立的要求 SVS。只有合法成立在智利的法人 为此特定目的提供此服务。
国际海上运输的保险经纪人 国际商业航空 国际转运货物 (包括运输货物、运输货物的车辆 和由此产生的任何民事责任 由此产生的责任。不包括 包括国内运输（沿海运输）。	必须在SVS维护的注册簿中注册 并满足SVS规定的条件。 只有合法成立的智利法人 出于此特定目的才能提供此服务。
再保险和分保	再保险服务由再保险公司提供

(includes reinsurance brokers).	corporations and branches 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.
Claim settlement services.	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.
Auxiliary insurance services (includes only consultancy, actuarial services and risk assessment).	Auxiliary insurance services may only be provided by legal persons constituted in Chile and registered with the SVS.

c) Securities services:

1. Publicly offered securities may be traded by legal persons established under Chilean law, 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 *Superintendencia de Valores y Seguros,* 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 established for the sole purpose of rating publicly offered securities, and they must be enrolled in the *Registro de Entidades Clasificadoras de Riesgo* (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 *Superintendencia de Bancos e Instituciones Financieras, 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 established as special purpose corporations (*sociedades anónimas especiales*) 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, *depósitos centralizados de valores*).

(包括再保险经纪人)。	智利设立的公司和分支机构在 公司法的规定下，经SVS授权。保险 公司也可以提供再保险服务， 公司也可以提供再保险服务。 作为其保险业务的补充，如果他们的 章程允许。 再保险服务也可以由注册在 SVS维护的注册簿中的外国 再保险人和外国再保险经纪人提供。
索赔结算服务。	索赔结算服务可直接由 在智利成立的保险公司或由 在智利成立的法人注册 SVS.
辅助保险服务 (仅包括咨询、精算 服务和风险评估)。	辅助保险服务只能由 在智利成立的法人并注册于 SVS。

c) 证券服务：

1. 公开发行的证券可由根据智利法律设立的法人交易，其唯一目的是证券经纪，作为证券交易所的会员（证券经纪人）或在证券交易所之外（证券代理人），这些机构必须注册于证券和保险监管局，SVS（证券和保险委员会）。然而，只有证券经纪人可以在证券交易所交易股票或其衍生品（认股权证）。非股票证券可由注册于SVS的证券经纪人或证券代理人交易。

2. 金融投资组合管理的目的是代表第三方，在一系列工具上分散投资，并可作为证券交易商（证券经纪人）为其客户提供的补充活动。

3. 公开发行的证券风险评级服务由专门为评级公开发行的证券而设立的评级机构提供，并且必须注册在由SVS维护的风险评级机构注册处（Registro de Entidades Clasificadoras de Riesgo）。它们由SVS进行检查和控制。另一方面，对银行和金融机构发行的证券的评级机构的检查是银行和金融机构监督局（Superintendencia de Bancos e Instituciones Financieras，SBIF）的责任。

4. 证券托管包括证券凭证的物理安全保管，并且可以是
证券中介机构（证券经纪人和证券代理人）作为一项活动来承担，作为其唯一目的的补充。
它也可以由提供证券托管和保管服务的实体来承担，这些实体应作为特殊目的公司（股份有限公司）建立。
（sociedades anónimas especiales）其唯一目的是接收依法授权的实体托管的公开发行证券，并促进此类证券转让的操作。
（特殊目的股份有限公司）以唯一目的接收托管公开发行的
依法授权的实体发行的证券，并促进此类证券的转让业务
证券（集中证券保管库，集中证券保管库）。

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; and

(d) General funds management companies are those corporations created for the purpose of managing mutual funds, investment funds, foreign capital investment funds, housing funds or any other fund supervised by the SVS.

8. The service of clearing houses for stock exchange derivative products may be undertaken by corporations established 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.

9. Securitisation services may only be provided by legal persons whose sole purpose is to provide such services. These entities must be registered with the SVS.

10**.-** Stock exchanges are entities established for the sole purpose of furnishing its members with the installations needed to efficiently engage in securities trading by continuous public auction methods, in the premises they provide, and to perform the other securities intermediation activities allowed by the law.

11.- Cattle and agricultural commodities exchanges are special purpose corporations (*sociedades anónimas especiales*) that have as sole purpose to provide its members with the premises and infrastructure needed to efficiently engage in products trading by continuous public auction methods, in the premises provided, ensuring the existence of an equitable, competitive and transparent market.

5. 财务咨询服务，涉及提供关于融资替代方案、投资评估、投资机会和债务重组策略的财务建议，可以作为证券中介机构（证券经纪人和证券代理人）的一项补充活动进行，作为其唯一目的的补充活动。

6. 由银行机构直接或通过子公司提供的证券服务列于本附表的银行服务部门，并排除在本附表的证券服务部分之外。

7. 管理第三方资金的服务可由以下机构进行：

(a) 共同基金管理公司是指其唯一目的是管理共同基金的公司；

(b) 投资基金管理公司是指其唯一目的是管理投资基金的公司。在不损害上述规定的前提下，这些公司还可以管理外国资本投资基金；

(c) 外国资本投资基金管理公司是指其唯一目的是管理外国资本投资基金的公司。投入这些基金的资金只有在资本出资之日起五年后才能汇往国外；和

(d) 一般基金管理公司是指为管理共同基金、投资基金、外国资本投资基金、住房基金或任何其他由SVS监管的基金而设立的公司。

8. 证券交易所衍生产品的清算服务可以由在智利设立、且唯一目的是此的公司提供。它们的目的在于作为所有由SVS授权的期货、证券期权及其他类似性质合同的买卖对手方。

9. 证券化服务只能由其唯一目的是提供此类服务的法人提供。这些实体必须在SVS注册。

10.- 证券交易所是为其会员提供所需设施、以便通过连续公开拍卖方法在其提供的场所高效进行证券交易，并执行法律允许的其他证券中介活动的实体，其唯一目的在于此。

11.- 牛和农产品交易所是特殊目的公司（股份有限公司），其唯一目的是为其会员提供所需场所和基础设施，以便在其提供的场所通过连续公开拍卖方法高效进行产品交易，并确保市场公平、竞争和透明。

Subsector	**Limitation on Market Access**
Stock exchanges.	Stock exchanges must be established as special purpose corporations (*sociedades anónimas especiales*) under Chilean law.
Intermediation of publicly offered securities, except shares (CPC 81321) Subscription and placement as agents (underwriting).	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 capital and reserves (*patrimonio)*, 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.
Intermediation of publicly offered shares of corporations (CPC 81321) (includes subscription and placement as agents, underwriting).	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 required for brokerage activities. In addition to the legal requirement concerning capital and reserves (*patrimonio*), 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.
Operations in stock exchange derivatives authorised by the *Superintendencia de Valores y Seguros* (Securities and Insurance Commission) (includes only dollar and interest rate futures, and options on shares. Shares must fulfill the requirements established by the respective clearing house, *cámara de compensación*).	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 capital and reserves (*patrimonio*), 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.

子部门	市场准入限制
证券交易所。	证券交易所必须作为特殊 目的 公司 (sociedades anónimas especiales) under 智利法律。
公开发行的证券中介, 除股票（CPC 81321）外 作为代理的认购和配售 (承保)。	经纪活动必须通过在智利设立的法人提供 并要求事先在股票经纪人和证券代理人注册处注册 SVS保存的证券经纪人注册簿中注册。除了 在SVS保存的证券代理人注册簿中注册外, 关于资本和储备的法律要求 (patrimonio)，SVS 可能会施加更严格的要求 关于经济偿付能力的非歧视性要求 对中介机构的偿付能力，考虑到其运营性质 涉及金额、谈判的金融工具类型和类别 谈判的工具和类别 适用中介机构。
公开发行的股票中介。 公司（CPC 81321）（包括 作为代理的认购和配售, 承保）。	为了在证券交易所交易，中介机构 (证券经纪人)必须在智利以法人形式设立 。他们必须获得相应证券交易所的股份 ，并被接受为此交易所的会员 。在证券经纪人注册簿中预先注册 是必要的，该注册簿由SVS维护 。此外，经纪活动需要预先注册 关于资本和 储备（patrimonio），SVS 可能会施加更 严格的非歧视性要求，涉及 中介机构的经 济偿付能力，考虑到其运营性质、涉及金额、谈判的金融工具类型，以及 谈判的工具 适用中介机构类别。
证券交易所衍生品交易 由证券和保险监管局授权 证券和保险委员会 委员会) （仅包括美元和利率） 期货，以及股票期权。股份必须 满足各自清算所建立的要求 的要求，补偿 chamber 补偿）。	为了在证券交易所交易，中介机构 (证券经纪人)必须在 智利。他们必须获得在其各自 证券交易所的股份，并被接受为此 交易所的会员。在注册簿 中预先注册，由SVS维护的 股票经纪人和证券代理人注册处对于经纪活动是必需的。此外 除了关于资本和法律要求的 储备（patrimonio），SVS 可能会施加更严格 的非歧视性要求，涉及 中介机构的经经济偿付能力，考虑到 其运营性质、涉及的金额、谈判的金融工具类型以及 适用中介机构的类别。 中介机构类别适用。

Trading in metals on the stock exchange (includes only gold and silver).	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 capital and reserves (*patrimonio*), 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.
Securities risk rating (relates solely to rating or giving an opinion on publicly offered securities).	They must be established in Chile as a partnership (*sociedad de personas)*. 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 persons in this line of business holding a minimum of five per cent of the membership rights in the rating agency). They must enrol in the register of risk rating agents kept by the SVS.
Securities custody undertaken by securities intermediaries (CPC 81319) (does not include the services offered by suppliers who combine custody, securities clearance and settlement (securities depositories, *depósitos de valores*)).	For securities custody, intermediaries (stockbrokers and agents) must be constituted in Chile as a legal person. In addition to the legal requirement concerning capital and reserves (*patrimonio*), 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.
Custody undertaken by entities for the deposit and custody of securities.	Securities deposit and custody entities must be constituted in Chile as corporations set up for that sole purpose and require authorisation from the SVS.
Financial advisory services supplied by securities intermediaries (CPC 81332).	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 capital and reserves (*patrimonio*), the SVS may impose more

在证券交易所交易金属 (仅包括黄金和白银)。	黄金和白银的交易可以由 证券经纪人在其自有账户和为第三方 在证券交易所根据证券 交易法规。为了在股票上交易 交易所，中介机构（证券经纪人）必须 作为智利法人成立。他们必须 获得股份于其各自的证券交易所并 被接受为本交易所的会员。此前 证券经纪人注册簿中的注册 SVS 维护的证券代理人需要 用于经纪活动。除了法律 对资本和储备（patrimonio）的要求 之外，SVS 还可以实施更严格的 非歧视性要求，涉及中介机构的经济 偿付能力，并考虑到 其运营性质、涉及金额、 谈判的金融工具类型和中介机构类别 适用。
证券风险评级 (仅适用于对公开发行的证券进行评级或发表意见 的情况)。	它们必须在智利作为合伙企业设立 (sociedad de personas)。其中一项具体要求是 必须满足不低于60%的公司资本由主要合伙人持有 （本业务线中持有至少5%资本的自然人或法人） 的法人持有 （在本业务线中持有至少5%资本的自然人或法人） 评级机构的会员权利）。他们必须 注册在由保管机构（CPC 81319）保存的风险评级代理注册簿中 SVS.
证券中介机构（CPC 81319）提供的证券托管 证券中介机构（CPC 81319） （不包括由结合保管、证券的供应商提供的服务 提供的供应商 清算和结算（证券保管库，有价证券保管库）。 托管，有价证券保管库）。	对于证券保管，中介机构（证券经纪人，代理人）必须在智利作为法人成立。 除了关于资本和储备（patrimonio）的法律要求之外，SVS 还必须满足。 关于资本和储备（patrimonio）的法律要求。 可对中介机构施加更严格的非歧视性 经济偿付能力方面的要求，并考虑其 运营性质、涉及金额、谈判的金融工具类型 以及适用中介机构的类别。 谈判的工具和中介机构类别。 其运营性质、涉及金额、谈判的金融工具类型
由实体进行的 证券托管。	证券存款和托管实体必须是 在智利成立的为该唯一目的设立的 公司，并需获得SVS的授权。
由提供的财务咨询服务 证券中介机构（CPC 81332）。	由证券中介机构提供的财务咨询服务 在智利注册成立的法人 需要事先在证券经纪人注册簿中注册 以及由SVS维护的证券代理人注册处。在 除资本相关的法律要求外 以及储备（patrimonio），SVS 可以施加更多

	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.
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).	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 capital and reserves (*patrimonio*), 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.
Management of funds of third parties performed by: (in no circumstances does this include management of pension funds and voluntary pension savings plans (*Planes de Ahorro Previsional Voluntario*)) i) Mutual funds management companies; ii) Investment funds management companies; iii) Foreign capital investment funds management companies; and iv) General funds management companies.	The Fund management service may be carried out by corporations set up for that sole purpose or by general funds management companies, constituted in Chile, with authorisation from the SVS. Foreign capital investment funds may also be managed by investment funds management companies.
Service of clearing houses for derivatives (contracts for futures and options on securities).	Clearing houses for futures contracts and options on securities must be established 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.
Cattle and agricultural commodities exchanges.	Cattle and agricultural commodities exchanges must be established as special purpose corporations (*sociedades anónimas especiales*) under Chilean law.
Cattle and agricultural commodities brokerage.	The activity of cattle and agricultural commodities broker must be performed by legal entities established under Chilean law.

	严格非歧视性条款关于 中介机构的经济偿付能力，考虑到 其运营性质、涉及金额、谈判的金融工具类型以及 适用中介机构类别。 中介机构类别适用。
金融投资组合管理由 证券中介机构 在任何情况下都不 附件三：澳大利亚清单 管理： 共同基金，外国资本投资 资金、投资基金和养老金基金)。	金融投资组合管理服务由 证券中介机构作为法人设立 由SVS维护的证券经纪人注册簿中注册 SVS。除了关于资本和储备（patrimonio）的法律要求外，SVS还可以 要求提供其他服务 要求提供其他服务 实施更严格的非歧视性条款 关于中介机构的经济偿付能力， 考虑到其运营性质， 涉及金额、谈判的金融工具类型 以及中介机构类别，他们适用。 适用。
第三方资金管理 由： (在任何情况下均不包括 养老金管理和自愿 养老金储蓄计划（Planes de Ahorro Previsional Voluntario） 预览志愿人员 i) 共同基金管理公司； ii) 投资基金管理 公司； iii) 外国资本投资基金 管理公司；和 iv) 一般基金管理公司。	基金管理服务可以由 为该唯一目的设立的 corporations 或由一般 基金管理公司，在智利成立的， 并需获得 SVS 的授权。外国资本 投资基金也可以由投资基金管理公司管理。 基金管理公司。
衍生品清算所服务 (期货和证券期权合约) 。	期货合约清算所和证券期权 证券必须在智利设立为公司 为该唯一目的并经 SVS。它们只能由股票 交易所及其证券经纪人组成。
牛和农产品 交易所。	牛和农产品交易所必须 作为特殊目的公司成立 (特殊目的股份有限公司) under 智利法律。
牛和农产品 经纪。	牛和农产品的活动 经纪活动必须由在 智利法律下成立的 法律实体 进行 under 智利法律。

Service of clearing houses of futures and options on cattle and agricultural commodities.	Clearing houses of futures and options on cattle and agricultural commodities must be established as corporations for that sole purpose and with an authorisation from the SVS.
General deposit warehouses (warrants) (corresponds to merchandise warehousing services accompanied by the issue of a deposit certificate and a chattel mortgage receipt (*vale de prenda*)).	Provision of warrant services may be carried out only by legal persons duly constituted in Chile who have the supply of warrant services as their sole purpose.
Securities issue and registration services (CPC 81322)(does not include deposit and custody of securities services).	None
d) <u>Other financial services</u>:	
Provision and transfer of financial information and financial data processing and related software by suppliers of other financial services.	None.
Exchange market operations carried out according to the regulations issued or to be issued by the Central Bank of Chile.	Only banks, juridical persons, stockbrokers and securities agents, all of which must be established in Chile as legal entities, can operate in the Formal Exchange Market. Juridical persons, stockbrokers and securities agents require prior authorisation from the *Banco Central de Chile* to operate in the Formal Exchange Market.
Management of mortgage loans as established in *Decreto con Fuerza de Ley N° 251, Ley de Seguros,* Title V.	Mortgage Loans Management Agencies must be established as corporations (*sociedades anónimas*) under Chilean law. For greater certainty, according to *Decreto con Fuerza de Ley N° 251, Ley de Seguros,* Title V, Article 88.

期货和期权清算所的服务 牛和农产品上的 农产品。	牛和农产品期货和期权清算所必须设立为 农产品期货和期权清算所必须设立为 为该唯一目的而设立的公司和具有 SVS的授权。
一般存款仓库（凭证） （对应于伴随存款证明和动产抵押 发行的商品仓储 存款证明和动产抵押 收据（质押凭证）。	提供传票服务只能 由在智利成立的法人合法组成者 以提供传票服务为其唯一目的。
证券发行和注册服务 (CPC 81322)(不包括托管) 证券服务的保管）。	None
d) <u>其他金融服务：</u>	
金融信息提供和转移 以及金融数据处理 和相关软件由其他金融服务 供应商提供。	无。
外汇市场操作执行 根据已发布或待发布的法规 智利中央银行发布的。	仅限银行、法人、证券经纪人和 证券代理人，所有这些都必须在 智利作为法律实体，可以在正式 交易所市场。法人、证券经纪人 证券代理人需要事先授权。 智利中央银行将在正式场合运营 交易所市场。
抵押贷款管理作为 成立于第251号具有法律效力的法令 保险法，第五篇。	抵押贷款管理机构必须是 公司（股份有限公司） 根据智利法律成立。为明确起见，根据 第251号具有法律效力的法令，保险法， 第五篇，第88条。

30 July 2008

Honourable
Alejandro Foxley Rioseco
Ministry of Foreign Affairs
Teatinos 180
Santiago
Chile

Dear Minister Foxley

In connection with the signing on this date of the Australia – Chile Free Trade Agreement (the "Agreement"), I have the honour to confirm the following understanding reached by the Governments of Australia and the Republic of Chile during the course of the negotiation of the Agreement.

1. Australia and Chile shall negotiate a memorandum of understanding (MoU) affirming that Chile recognises that the Australian Meat Industry Classification System (AUS-MEAT Language) meets the aims and objectives of the Chile Beef Grading Scheme. Moreover, this MoU will formalise Chile's recognition of the AUS-MEAT language, and AUS-MEAT Limited as the certifying body of this system, to grade beef for the purpose of marketing beef in Chile.

2. This MoU shall be negotiated within one year of the Agreement entering into force.

I have the honour to propose that this letter and your letter in reply confirming that your Government shares this understanding shall constitute an integral part of the Agreement.

Yours sincerely

[signed]

Simon Crean
Minister for Trade

2008年7月30日

阿莱杭德罗·福克斯利·里
奥斯科 外交部 圣地亚哥·
智利特埃蒂诺斯180号

尊敬的福克斯利部长

关于本日签署的澳大利亚-智利自由贸易协定（"协定"），我谨确认澳大利亚政府和智利共和国在协定谈判过程中达成的以下谅解。

1. 澳大利亚和智利应就一项谅解备忘录（MoU）进行谈判，确认智利承认澳大利亚肉类产业分类系统（AUS-MEAT语言）符合智利牛肉分级制度的目标和宗旨。此外，该谅解备忘录将正式确认智利对AUS-MEAT语言和AUS-MEAT有限公司作为该系统认证机构的认可，以便对牛肉进行分级，用于在智利进行牛肉营销。2. 该谅解备忘录应在协定生效后一年内进行谈判。

我谨提议，本信和您的回复信确认贵国分享此谅解，应构成协定的组成部分。

此致

[签名]

西蒙·克雷恩 贸易部
长

30 July 2008

The Honourable Simon Crean MP
Minister for Trade
Parliament House
Canberra ACT 2600

Dear Minister Crean

I have the honour to acknowledge receipt of your letter of this date, which reads as follows:

> "In connection with the signing on this date of the Australia – Chile Free Trade Agreement (the "Agreement") I have the honour to confirm the following understanding reached by the Governments of Australia and the Republic of Chile during the course of the negotiation of the Agreement.
>
> 1. Australia and Chile shall negotiate a memorandum of understanding (MoU) affirming that Chile recognises that the Australian Meat Industry Classification System (AUS-MEAT Language) meets the aims and objectives of the Chile Beef Grading Scheme. Moreover, this MoU will formalise Chile's recognition of the AUS-MEAT language, and AUS-MEAT Limited as the certifying body of this system, to grade beef for the purpose of marketing beef in Chile.
>
> 2. This MoU shall be negotiated within one year of the Agreement entering into force.
>
> I have the honour to propose that this letter and your letter in reply confirming that your Government shares this understanding shall constitute an integral part of the Agreement."

I have the further honour to confirm that my Government shares this understanding and that your letter and this letter in reply shall constitute an integral part of the Australia – Chile Free Trade Agreement.

Yours sincerely

[signed]

Alejandro Foxley Rioseco
Minister for Foreign Affairs

2008年7月30日

尊敬的西蒙·克雷恩议员 贸易部
长 堪培拉国会大厦 ACT 2600

尊敬的克里恩部长

本人荣幸地确认收到贵方本日的来信，内容如下：

> "鉴于本日签署了澳大利亚-智利自由贸易协定（"协定"），本人荣幸地确认澳大利亚政府和智利共和国在协定谈判过程中达成的以下谅解。
>
> 1. 澳大利亚和智利应就一项谅解备忘录（MoU）进行谈判，确认智利承认澳大利亚肉类产业分类系统（AUS-MEAT语言）符合智利牛肉分级制度的目标和宗旨。此外，该谅解备忘录将正式确认智利对AUS-MEAT语言的认可，以及AUS-MEAT Limited作为该系统的认证机构，为在智利营销牛肉进行分级。
>
> 2. 该谅解备忘录应在协定生效后一年内进行谈判。
>
> 我荣幸地提议，本信及您的回复信确认您的政府认同此理解，应构成协定的重要组成部分。

我有幸进一步确认，我政府对此有相同理解，并且您的信函和本复函应构成澳大利亚-智利自由贸易协定的组成部分。

此致

[签署]

亚历杭德罗·福克斯利·里奥斯
科 外交部长

30 July 2008

Honourable
Alejandro Foxley Rioseco
Ministry of Foreign Affairs
Teatinos 180
Santiago
Chile

Dear Minister Foxley

In connection with the signing on this date of the Australia-Chile Free Trade Agreement (the “Agreement”), I have the honour to confirm the following understanding reached by the Governments of Australia and the Republic of Chile regarding Chapter 4 (Rules of Origin).

For the purposes of Chapter 4, an agent of an exporter may complete, sign and date a Certificate of Origin.

I have the honour to propose that this letter and your letter in reply confirming that your Government shares this understanding shall constitute an integral part of the Agreement.

Yours sincerely

[signed]

Simon Crean
Minister for Trade

2008年7月30日

尊敬的阿莱杭德罗·福克
斯利·里奥斯科 外交部 圣
地亚哥·智利特埃蒂诺斯
180号

尊敬的福克斯利部长

关于在本日签署的澳智自由贸易协定（“协定”），我谨确认澳大利亚政府和智利共和国政府就第四章（原产地规则）达成的以下谅解。

根据第四章的规定，出口商代理人可以完成、签署和注明日期原产地证书。

我谨提议，本信和您的回复信确认您的政府分享这一谅解，应构成协定的组成部分。

此致

[已签署]

西蒙·克雷恩 贸易部
长

30 July 2008

The Honourable Simon Crean MP
Minister for Trade
Parliament House
Canberra ACT 2600

Dear Minister Crean

I have the honour to acknowledge receipt of your letter of this date, which reads as follows:

> "In connection with the signing on this date of the Australia-Chile Free Trade Agreement (the "Agreement"), I have the honour to confirm the following understanding reached by the Governments of Australia and the Republic of Chile Regarding Chapter 4 (Rules of Origin).
>
> For the purposes of Chapter 4, an agent of an exporter may complete, sign and date a Certificate of Origin.
>
> I have the honour to propose that this letter and your letter in reply confirming that your Government shares this understanding shall constitute an integral part of the Agreement."

I have the further honour to confirm that my Government shares this understanding and that your letter and this letter in reply shall constitute an integral part of the Australia-Chile Free Trade Agreement.

Yours sincerely,

[signed]

Alejandro Foxley Rioseco
Minister for Foreign Affairs

2008年7月30日

尊敬的西蒙·克雷恩议员 贸易部
长 堪培拉国会大厦 ACT 2600

尊敬的克雷恩部长

我很荣幸收到您本日的来信，内容如下：

> 值此澳智自由贸易协定（"协定"）于本日签署之际，本人谨代表澳大利亚政府与智利共和国政府确认，双方就第四章（原产地规则）达成以下共识。
>
> 根据第4章的规定，出口商代理人可以填写、签署并注明日期原产地证书。
>
> 我荣幸地提议，本信及您的回复信确认您的政府分享这一理解，应构成协定的重要组成部分。

我有幸进一步确认，我的政府对此有相同的理解，并且您的信件和这封回信应构成澳智自由贸易协定的组成部分。

此致，

[签署]

亚历杭德罗·福克斯利·里奥斯
科 外交部长

30 July 2008

Honourable
Alejandro Foxley Rioseco
Ministry of Foreign Affairs
Teatinos 180
Santiago
Chile

Dear Minister Foxley

In connection with the signing on this date of the Australia-Chile Free Trade Agreement (the "Agreement"), I have the honour to confirm the following understanding reached by the Governments of Australia and the Republic of Chile regarding Chapter 9 (Cross-Border Trade in Services) and Chapter 10 (Investment) regarding education services.

Nothing in the above Chapters shall interfere with:

(a) the ability of individual education and training institutions to maintain autonomy in admissions policies (including in relation to considerations of equal opportunity for students and recognition of credits and degrees), in setting tuition rates and in the development of curricula or course content;

(b) non-discriminatory accreditation and quality assurance procedures for education and training institutions and their programs, including the standards that must be met;

(c) government funding, subsidies or grants, such as land grants, preferential tax treatment and other public benefits, provided to education and training institutions; or

(d) the need for education and training institutions to comply with non-discriminatory requirements related to the establishment and operation of a facility in a particular jurisdiction.

I have the honour to propose that this letter and your letter in reply confirming that your Government shares this understanding shall constitute an integral part of the Agreement.

Yours sincerely

[signed]

Simon Crean
Minister for Trade

2008年7月30日

尊敬的亚历杭德罗·福克
斯利·里奥斯科 外交部 圣
地亚哥·智利特埃蒂诺斯
180号

尊敬的福克斯利部长

关于在本日期签署的澳智自由贸易协定（"协定"），我谨代表澳大利亚政府和智利共和国确认双方就第九章（跨境服务贸易）和第十章（投资）中关于教育服务达成的以下谅解。

上述章节中的任何内容均不得妨碍：

(a) 教育培训机构在招生政策（包括与学生平等机会和学分及学位认可相关的考虑）方面的自主权、设定学费标准以及课程内容开发方面的自主权；

(b) 教育培训机构及其项目的非歧视性认证和质量保证程序，包括必须达到的标准；

(c) 政府资金、补贴或拨款，例如土地拨款、税收优惠和其他公共福利，提供给教育培训机构；或

(d) 教育培训机构需要在特定司法管辖区内遵守与设施的建设和运营相关的非歧视性要求。

本人荣幸地提议，本信及您的回复信确认您的政府分享此理解，应构成协定的重要组成部分。

此致

[签署]

西蒙·克雷恩 贸易部
长

30 July 2008

The Honourable Simon Crean MP
Minister for Trade
Parliament House
Canberra ACT 2600

Dear Minister Crean

I have the honour to acknowledge receipt of your letter of this date, which reads as follows:

> "In connection with the signing on this date of the Australia-Chile Free Trade Agreement (the "Agreement"), I have the honour to confirm the following understanding reached by the Governments of Australia and the Republic of Chile regarding Chapter 9 (Cross-Border Trade in Services) and Chapter 10 (Investment) regarding education services.
>
> Nothing in the above Chapters shall interfere with:
>
> (a) the ability of individual education and training institutions to maintain autonomy in admissions policies (including in relation to considerations of equal opportunity for students and recognition of credits and degrees), in setting tuition rates and in the development of curricula or course content;
>
> (b) non-discriminatory accreditation and quality assurance procedures for education and training institutions and their programs, including the standards that must be met;
>
> (c) government funding, subsidies or grants, such as land grants, preferential tax treatment and other public benefits, provided to education and training institutions; or
>
> (d) the need for education and training institutions to comply with non-discriminatory requirements related to the establishment and operation of a facility in a particular jurisdiction.
>
> I have the honour to propose that this letter and your letter in reply confirming that your Government shares this understanding shall constitute an integral part of the Agreement."

I have the further honour to confirm that my Government shares this understanding and that your letter and this letter in reply shall constitute an integral part of the Australia-Chile Free Trade Agreement.

Yours sincerely,

[signed]

2008年7月30日

尊敬的西蒙·克雷恩议员 贸易部
长 堪培拉国会大厦 ACT 2600

尊敬的 Crean 先生

我荣幸地确认收到您本日的来信，内容如下：

> "鉴于澳大利亚-智利自由贸易协定（"协定"）于当日签署，我荣幸地确认澳大利亚政府和智利共和国政府就第九章（跨境服务贸易）和第十章（投资）中关于教育服务的以下谅解：
>
> 上述章节中的任何内容均不得妨碍：
>
> (a) 教育培训机构维持招生政策自主权（包括在考虑学生平等机会和学分及学位认可方面的考虑），在设定学费标准和开发课程内容方面的自主权；
>
> (b) 非歧视性认证和教育培训机构及其课程的质量保证程序，包括必须达到的标准；
>
> (c) 政府、补贴或拨款，例如土地拨款、税收优惠和其他公共福利，提供给教育培训机构；或
>
> (d) 教育培训机构需要在特定司法管辖区内遵守与设施的建设和运营相关的非歧视性要求。
>
> 我荣幸地提议，本信及您的回复信确认您的政府认同此理解，应构成协定的重要组成部分。

我荣幸地进一步确认，我政府分享这一理解，并且您的信件和本信将构成澳智自由贸易协定的组成部分。

此致

[签署]

Alejandro Foxley Rioseco
Minister for Foreign Affairs

亚历杭德罗·福克斯利·里奥斯科 外交部长

30 July 2008

Honourable
Alejandro Foxley Rioseco
Ministry of Foreign Affairs
Teatinos 180
Santiago
Chile

Dear Minister Foxley

In connection with the signing on this date of the Australia-Chile Free Trade Agreement (the "Agreement"), I have the honour to confirm the following understanding reached by the Governments of Australia and the Republic of Chile regarding Chapter 17 (Intellectual Property).

The Parties recognise that Chilean geographical indications for wines are established by Decree 464 of the Ministry of Agriculture of December 14, 1994, and its amendments and by the Law 18.455. Each Party shall provide the means to protect geographical indications of the other Party in accordance with Article 17.17.2 (Geographical Indications).

I have the honour to propose that this letter and your letter in reply confirming that your Government shares this understanding shall constitute an integral part of the Agreement.

Yours sincerely

[signed]

Simon Crean
Minister for Trade

2008年7月30日

尊敬的福克斯利部长 外
交部 圣地亚哥·智利特埃
蒂诺斯180号

尊敬的福克斯利部长

关于本日签署的澳智自由贸易协定（"协定"），我谨确认澳大利亚政府和智利共和国政府就第17章（知识产权）达成的以下谅解。

双方承认智利葡萄酒地理标志由农业部1994年12月14日颁布的第464号法令及其修正案和第18.455号法律确立。每一方应根据第17.17.2条（地理标志）的规定，为保护另一方的地理标志提供保护措施。

我谨提议，本信和您的回复信确认您的政府分享此谅解，应构成协定的组成部分。

此致

[签名]

西蒙·克雷恩 贸易部
长

30 July 2008

The Honourable Simon Crean MP
Minister for Trade
Parliament House
Canberra ACT 2600

Dear Minister Crean

I have the honour to acknowledge receipt of your letter of this date, which reads as follows:

> "In connection with the signing on this date of the Australia-Chile Free Trade Agreement (the "Agreement"), I have the honour to confirm the following understanding reached by the Governments of Australia and the Republic of Chile regarding Chapter 17 (Intellectual Property).
>
> The Parties recognise that Chilean geographical indications for wines are established by Decree 464 of the Ministry of Agriculture of December 14, 1994, and its amendments and by the Law 18.455. Each Party shall provide the means to protect geographical indications of the other Party in accordance with Article 17.17.2 (Geographical Indications).
>
> I have the honour to propose that this letter and your letter in reply confirming that your Government shares this understanding shall constitute an integral part of the Agreement."

I have the further honour to confirm that my Government shares this understanding and that your letter and this letter in reply shall constitute an integral part of the Australia-Chile Free Trade Agreement.

Yours sincerely,

[signed]

Alejandro Foxley Rioseco
Minister for Foreign Affairs

2008年7月30日

尊敬的西蒙·克雷恩议员 贸易部
长 堪培拉国会大厦 ACT 2600

尊敬的克里恩部长

谨此确认收到贵方本函，内容如下：

> "应澳大利亚-智利自由贸易协定（"协定"）于本日签署之关联，谨此确认澳大利亚政府与智利共和国政府就第17章（知识产权）达成如下谅解：
>
> 双方承认智利葡萄酒地理标志由农业部1994年12月14日颁布的第464号法令及其修正案，以及第18.455号法律所确立。每一方应根据第17.17.2条（地理标志）之规定，为保护另一方之地理标志提供必要之措施。
>
> 谨此提议，本函与贵方确认贵方政府分享此谅解之回复函，应构成协定之组成部分。"

我有进一步荣幸确认，我政府分享这一理解，并且您的信件和本信将构成澳智自由贸易协定的组成部分。

此致

[签署]

亚历杭德罗·福克斯利·里奥斯
科 外交部长