

## ANNEX I

1. The Schedule of a Party to this Annex sets out, pursuant to Articles 9.7 (Non-Conforming Measures – Cross-Border Trade in Services Chapter) and 10.9 (Non-Conforming Measures – Investment Chapter), a Party's existing measures that are not subject to some or all of the obligations imposed by:

- (a) Article 9.3 (National Treatment – Cross-Border Trade in Services Chapter) or 10.3 (National Treatment – Investment Chapter);
- (b) Article 9.4 (Most-Favoured-Nation Treatment – Cross-Border Trade in Services Chapter) or 10.4 (Most-Favoured-Nation Treatment – Investment Chapter);
- (c) Article 9.5 (Market Access – Cross-Border Trade in Services Chapter);
- (d) Article 9.6 (Local Presence – Cross-Border Trade in Services Chapter);
- (e) Article 10.7 (Performance Requirements – Investment Chapter); or
- (f) Article 10.8 (Senior Management and Boards of Directors – Investment Chapter).

2. Each Schedule entry sets out the following elements:

- (a) **Sector** refers to the sector for which the entry is made;
- (b) **Obligations Concerned** specifies the obligation(s) referred to in paragraph 1 that, pursuant to Articles 9.7.1(a) (Non-Conforming Measures – Cross-Border Trade in Services Chapter) and 10.9.1(a) (Non-Conforming Measures – Investment Chapter), do not apply to the listed measure(s);
- (c) **Level of Government** indicates the level of government maintaining the listed measure(s);
- (d) For Chile, **Measures** identifies the laws, regulations or other measures for which the entry is made. For Australia, **Source of Measure** means 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 **Measures** or **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 under the authority of and consistent with the measure;

- (e) **Description**, for Australia, sets out the non-conforming measure for which the entry is made; and **Description**, for Chile, provides a general, non-binding, description of the **Measures**.

3. In accordance with Article 9.7.1(a) (Non-Conforming Measures – Cross-Border Trade in Services Chapter) and 10.9.1(a) (Non-Conforming Measures – Investment Chapter), the articles of this Agreement specified in the **Obligations Concerned** element of an entry do not apply, in the case of Australia, to the non-conforming measure identified in the **Description** element of that entry or, in the case of Chile, to the law, regulation or other measure identified in the **Measures** element of that entry. Local Presence and National Treatment are separate disciplines and a measure that is only inconsistent with Local Presence (such as residency requirements) need not be reserved against National Treatment.

4. Where a Party maintains a measure that requires that a service supplier be a citizen, permanent resident or resident of its territory as a condition to the supply of a service in its territory, a Schedule entry for that measure taken with respect to Article 9.3 (National Treatment – Cross-Border Trade in Services Chapter), 9.4 (Most-Favoured-Nation Treatment – Cross-Border Trade in Services Chapter) or 9.6 (Local Presence – Cross-Border Trade in Services Chapter) shall operate as a Schedule entry with respect to Article 10.3 (National Treatment – Investment Chapter), 10.4 (Most-Favoured-Nation Treatment – Investment Chapter) or 10.7 (Performance Requirements – Investment Chapter) to the extent of that measure.

**ANNEX I**  
**SCHEDULE OF AUSTRALIA**

Introductory Note for the Schedule of Australia

Australia reserves the right to maintain and to add to 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:

- (a) Article 9.3 (National Treatment – Cross-Border Trade in Services Chapter) or 10.3 (National Treatment – Investment Chapter);
- (b) Article 9.4 (Most-Favoured-Nation Treatment – Cross-Border Trade in Services Chapter) or 10.4 (Most-Favoured-Nation Treatment – Investment Chapter);
- (c) Article 9.6 (Local Presence – Cross-Border Trade in Services Chapter);
- (d) Article 10.7 (Performance Requirements – Investment Chapter); or
- (e) Article 10.8 (Senior Management and Boards of Directors – Investment Chapter).

<b>Sector:</b>	All Sectors
<b>Obligations Concerned:</b>	National Treatment (Article 10.3) Senior Management and Boards of Directors (Article 10.8)
<b>Level of Government:</b>	Central and Regional
<b>Source of Measure:</b>	Australia's Foreign Investment Policy, which comprises the <i>Foreign Acquisitions and Takeovers Act 1975</i> (Cth) (FATA); Foreign Acquisitions and Takeovers Regulations 1989 (Cth); <i>Financial Sector (Shareholdings) Act 1998</i> (Cth); and Ministerial Statements. <i>Land Act 1994</i> (Qld) <i>Foreign Ownership of Land Register Act 1988</i> (Qld)
<b>Description:</b>	<u>Investment</u>  <u>Commonwealth</u>  The following investment activities require notification and prior approval from the Australian Government: <ul style="list-style-type: none"> <li>• proposed acquisitions by foreign persons<sup>1-1</sup> of substantial interests<sup>1-2</sup> in existing Australian businesses with total assets valued at more than \$A100 million;</li> <li>• proposals by foreign persons to take over offshore companies whose Australian subsidiaries or gross assets account for 50 per cent or more of the target company's global assets and are valued at more than \$A100 million;</li> <li>• proposals by foreign persons to take over offshore companies whose Australian subsidiaries or gross assets account for less than 50 per cent of the target company's global assets and are valued at more than \$A200 million;</li> <li>• proposals by foreign persons to establish new businesses in Australia involving a total investment of \$A10 million or more;</li> <li>• proposed direct investments by foreign governments or</li> </ul>

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<sup>1-1</sup> The term "foreign person" has the meaning set out in the *Foreign Acquisitions and Takeovers Act 1975* (Cth).

<sup>1-2</sup> The term "substantial interest" has the meaning set out in the *Foreign Acquisitions and Takeovers Act 1975* (Cth).

their agencies, irrespective of size;

- proposed direct (non-portfolio) investments by foreign persons in the media sector, irrespective of size, and all portfolio investments of five per cent or more in existing businesses in the media sector;
- proposed acquisitions by foreign persons of interests in urban land (including interests that arise via leases, financing and profit sharing arrangements and the acquisitions of interests in urban land corporations and trusts) that involve the:
  - proposed acquisition of developed non-residential commercial real estate where the property is valued at \$A5 million or more and is subject to heritage listing; or
  - proposed acquisition of developed non-residential commercial real estate where the property is valued at \$A50 million or more and is not subject to heritage listing; and
- proposals where any doubt exists as to whether they are notifiable (funding arrangements that include debt instruments having quasi-equity characteristics will be treated as direct foreign investment).

Notified investments may be refused, subject to interim orders, and/or approved subject to compliance with certain conditions.

Separate or additional requirements may apply to measures subject to other Annex I non-conforming measures and to sectors, sub-sectors or activities subject to Annex II.

### Queensland

Certain leases (obtained at ballot), and other leases at the discretion of the Minister, may be subject to a condition that the lessee personally lives on the lease for the first seven years of its term.

While all changes to ownership of land must be registered, there is an additional duty on foreign land holders to disclose, through a prescribed notification, present interests in and acquisitions of land, disposal of interests in land and notification on ceasing to be or becoming a foreign person.

Failure to provide the information causes a breach of the Act that may result in prosecution, the imposition of financial penalties and/or forfeiture of the interest in the land to the Crown.

<b>Sector:</b>	All Sectors
<b>Obligations Concerned:</b>	Senior Management and Boards of Directors (Article 10.8)
<b>Level of Government:</b>	Central
<b>Source of Measure:</b>	<i>Corporations Act 2001 (Cth)</i> <i>Corporations Regulations 2001 (Cth)</i>
<b>Description:</b>	<p><u>Investment</u></p> <p>At least one director of a private company must be ordinarily resident in Australia.</p> <p>At least two directors of a public company must be ordinarily resident in Australia.</p> <p>At least one secretary of a private company (if such a private company appoints one or more secretaries) must be ordinarily resident in Australia.</p> <p>At least one secretary of a public company must be ordinarily resident in Australia.</p>

<b>Sector:</b>	All Sectors
<b>Obligations Concerned:</b>	Local Presence (Article 9.6) Senior Management and Boards of Directors (Article 10.8)
<b>Level of Government:</b>	Regional
<b>Source of Measure:</b>	<i>Associations Incorporation Act 1984</i> (NSW) <i>Associations Act</i> (NT)
<b>Description:</b>	<u>Cross-Border Trade in Services and Investment</u>  <u>New South Wales</u>  Persons registering associations must be New South Wales residents.  <u>Northern Territory</u>  An application for the incorporation of an association <sup>1-3</sup> must be made by a person who is a resident of the Northern Territory. The public officer of an incorporated association must be a person who is a resident of the Northern Territory.

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<sup>1-3</sup> “Association” includes a trading association.

<b>Sector:</b>	All Sectors
<b>Obligations Concerned:</b>	Local Presence (Article 9.6) Senior Management and Boards of Directors (Article 10.8)
<b>Level of Government:</b>	Regional
<b>Source of Measure:</b>	<i>Co-operatives Act 1992</i> (NSW) <i>Co-operatives Act 1997</i> (SA)
<b>Description:</b>	<u>Cross-Border Trade in Services and Investment</u>  <u>New South Wales</u>  Persons registering co-operatives and secretaries of co-operatives must be resident in Australia. Co-operatives must have a registered office in New South Wales.  <u>South Australia</u>  At least two directors of a co-operative must be Australian residents. The secretary must be a person who ordinarily lives in Australia. The registered office of the co-operative must be in South Australia.  In order to be registered as a foreign co-operative in South Australia, a participating co-operative must appoint a person resident in South Australia (other than a body corporate incorporated outside South Australia) as a person on whom all notices and legal process may be served on behalf of the co-operative.

<b>Sector:</b>	All Sectors
<b>Obligations Concerned:</b>	Local Presence (Article 9.6)
<b>Level of Government:</b>	Regional
<b>Source of Measure:</b>	<i>Partnerships Act 1891 (SA)</i>
<b>Description:</b>	<u>Cross-Border Trade in Services</u>  A limited partnership, including those formed in accordance with the law of another country, must have a registered office in South Australia.

<b>Sector:</b>	All Sectors
<b>Obligations Concerned:</b>	Local Presence (Article 9.6)
<b>Level of Government:</b>	Regional
<b>Source of Measure:</b>	<i>Consumer Affairs and Fair Trading Act</i> (NT) Consumer Affairs and Fair Trading (Trading Stamps) Regulations (NT)
<b>Description:</b>	<u>Cross-Border Trade in Services</u>  A promoter of a third party trading scheme <sup>I-4</sup> must maintain an office in Australia.

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<sup>I-4</sup> “Third-party trading scheme” means a scheme or arrangement under which the acquisition of goods or services by a consumer from a supplier is a condition, which gives rise, or apparently gives rise, to an entitlement to a benefit from a third party in the form of goods or services or some discount, concession or advantage in connection with the acquisition of goods or services.

<b>Sector:</b>	Professional Services
<b>Obligations Concerned:</b>	National Treatment (Articles 9.3 and 10.3)
<b>Level of Government:</b>	Regional
<b>Source of Measure:</b>	<i>Legal Practitioners Act 1981 (SA)</i>
<b>Description:</b>	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>A company that is a subsidiary of a foreign law firm is not permitted to obtain a practising certificate and is not permitted to share profits with any other company or firm.</p> <p>Foreign natural persons practising foreign law may only join a local law firm as a consultant and may not enter into partnership with or employ local lawyers in South Australia.</p> <p>(A person is not taken to be practising the profession of the law if he or she is only providing legal advice or services relating to the law of a place outside Australia.)</p>

**Sector:** Professional Services

**Obligations  
Concerned:** Local Presence (Article 9.6)

**Level of  
Government:** Central

**Source of Measure:** *Patents Act 1990* (Cth)  
*Patent Regulations* (Cth)

**Description:** Cross-Border Trade in Services

In order to register to practise in Australia, patent attorneys must-be ordinarily resident in Australia<sup>1-5</sup>.

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<sup>1-5</sup> For the purposes of this non-conforming measure, a person is taken to be “ordinarily resident” in Australia if: (a) the person has his or her home in Australia; or (b) Australia is the country of his or her permanent abode even though he or she is temporarily absent from Australia. However, the person is taken not to be ordinarily resident in Australia if he or she resides in Australia for a special or temporary purpose only.

<b>Sector:</b>	Professional Services
<b>Obligations Concerned:</b>	Local Presence (Article 9.6) Senior Management and Boards of Directors (Article 10.8)
<b>Level of Government:</b>	Regional
<b>Source of Measure:</b>	<i>Companies (Trustees and Personal Representatives) Act</i> (NT) <i>Trustee Companies Act 1987</i> (WA)
<b>Description:</b>	<p><u>Cross-Border Trade in Services and Investment</u></p> <p><u>Northern Territory</u></p> <p>To be authorised to carry on business in the Northern Territory, a trustee company must have at least three directors and a manager who are bona fide residents of the Northern Territory.</p> <p>The company must open and maintain an office within the Northern Territory.</p> <p>Unless a testator has expressly (in a will or other instrument) dispensed with the requirement, a trustee company cannot be granted probate of a will or administer an estate unless at least one half of its directors, and the manager, are bona fide residents of the Northern Territory.</p> <p><u>Western Australia</u></p> <p>A company can only act as a trustee company in Western Australia if it is a body corporate.</p>

<b>Sector:</b>	Professional Services
<b>Obligations Concerned:</b>	Local Presence (Article 9.6)
<b>Level of Government:</b>	Central and Regional
<b>Source of Measure:</b>	<i>Corporations Act 2001 (Cth)</i> <i>Co-operative Housing and Starr-Bowkett Societies Act 1998 (NSW)</i> <i>Legal Practitioners Act 1981 (SA) and Legal Practitioners Regulations (SA)</i> <i>Estate Agents Act 1980 (Vic)</i>
<b>Description:</b>	<u>Cross-Border Trade in Services</u>  <u>Commonwealth</u>  A person who is not ordinarily resident in Australia may be refused registration as a company auditor. At least one partner in a firm providing auditing services must be a registered company auditor who is ordinarily resident in Australia.  <u>New South Wales</u>  A person must be ordinarily resident in New South Wales in order to be an auditor of specified kinds of societies and associations.  <u>South Australia</u>  Persons who provide auditing services for legal practitioners' trust accounts must be public accountants engaged as a principal in practice in South Australia.  <u>Victoria</u>  A firm of auditors cannot audit an estate agent's accounts unless at least one member of the firm of auditors is an Australian resident.

**Sector:** Professional Services

**Obligations  
Concerned:** Local Presence (Article 9.6)

**Level of  
Government:** Regional

**Source of Measure:** *Architects Act (NT)*

**Description:** Cross-Border Trade in Services

To qualify for registration as an architectural partnership or company the partnership/company must have a place of business or be carrying on business within the Northern Territory.

<b>Sector:</b>	Professional Services
<b>Obligations Concerned:</b>	National Treatment (Article 9.3) Most-Favoured-Nation Treatment (Article 9.4)
<b>Level of Government:</b>	Central
<b>Source of Measure:</b>	<i>Migration Act 1958 (Cth)</i>
<b>Description:</b>	<u>Cross-Border Trade in Services</u>  To practise as a migration agent in Australia a person must be an Australian citizen or permanent resident or a citizen of New Zealand with a special category visa.

<b>Sector:</b>	Professional Services
<b>Obligations Concerned:</b>	National Treatment (Article 9.3) Local Presence (Article 9.6)
<b>Level of Government:</b>	Central
<b>Source of Measure:</b>	<i>Customs Act 1901</i> (Cth)
<b>Description:</b>	<u>Cross-Border Trade in Services</u>  To act as a customs broker <sup>I-6</sup> in Australia, service suppliers must provide the service in and from Australia.

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<sup>I-6</sup> Customs brokers may complete customs formalities required by the relevant customs legislation on behalf of the owners of goods prior to their import into or export from Australia. Such formalities include the requirement to complete the import or export entries whereby owners notify the goods being exported or imported, the duty and other taxes payable and whether or not the appropriate permits have been obtained.

<b>Sector:</b>	Research and Development Services
<b>Obligations Concerned:</b>	National Treatment (Articles 9.3 and 10.3)
<b>Level of Government:</b>	Regional
<b>Source of Measure:</b>	<i>Biodiscovery Act 2004 (Qld)</i>
<b>Description:</b>	<u>Cross-Border Trade in Services and Investment</u>  Benefit sharing agreements require sublicences for use of samples or derivatives to conduct biodiscovery research and commercialisation to be offered first to Queensland-based entities, then to Australian-based entities, and then to overseas-based entities. Any entity with a benefit sharing agreement must obtain the Department's consent before granting a sublicense to an overseas-based entity.

<b>Sector:</b>	Real Estate and Distribution Services
<b>Obligations Concerned:</b>	National Treatment (Articles 9.3 and 10.3) Local Presence (Article 9.6)
<b>Level of Government:</b>	Regional
<b>Source of Measure:</b>	<i>Community Land Management Act 1989</i> (NSW) <i>Strata Schemes Management Act 1996</i> (NSW) <i>Property, Stock and Business Agents Act 2002</i> (NSW) <i>Agents Licensing Act</i> (NT) <i>Property Agents and Motor Dealers Act 2000</i> (Qld) <i>Estate Agents Act 1980</i> (Vic) <i>Real Estate and Business Agents Act 1978</i> (WA) Real Estate and Business Agents (General) Regulations 1979 (WA) <i>Settlement Agents Act 1981</i> (WA) Settlement Agents Regulations 1982 (WA)
<b>Description:</b>	<u>Cross-Border Trade in Services and Investment</u>  <u>New South Wales</u>  A person cannot be appointed as an agent (for a proprietor of a development lot, neighbourhood lot or strata lot) if they are not an Australian resident. A person cannot be appointed as an agent (for an owner of a lot, for dealings with the owner’s corporation) if they are not an Australian resident. To be licensed as a property, stock or business agent in NSW, licensees must have a registered office in New South Wales.  <u>Northern Territory</u>  A licensed agent <sup>1-7</sup> must maintain an office in Australia at or from which the conduct of business under the licence is to occur.  <u>Queensland</u>  In order to operate as a real estate agent, auctioneer, motor dealer or commercial agent, a person must have a business address in Queensland. This must be a physical address and not a post box.  <u>Victoria</u>  A person cannot be licensed as an estate agent unless they have a registered office within Victoria and they must maintain a principal office in Victoria. An agent’s representative must have a registered

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<sup>1-7</sup> A “licensed agent” includes a real estate agent, business agent or conveyancing agent.

address within Victoria to which documents can be sent.

Western Australia

A person seeking to carry on business as a real estate or business agent in Western Australia must establish and maintain a registered office in the State.

A person seeking to carry on business as a settlement agent (conveyancer) in Western Australia must ordinarily reside in the State.

A licensed settlement agent must establish and maintain a registered office in the State.

<b>Sector:</b>	Fishing and Pearling
<b>Obligations Concerned:</b>	Local Presence (Article 9.6) National Treatment (Articles 9.3 and 10.3) Senior Management and Boards of Directors (Article 10.8)
<b>Level of Government:</b>	Central and Regional
<b>Source of Measure:</b>	<i>Fisheries Management Act 1991</i> (Cth) <i>Foreign Fishing Licences Levy Act 1991</i> (Cth) <i>Fisheries Management Act 1994</i> (NSW) <i>Fisheries Act 1995</i> (Vic) <i>Fish Resources Management Act 1994</i> (WA) Ministerial Policy Guideline No. 2 of April 1996 (WA) <i>Pearling Act 1990</i> (WA) Ministerial Policy Guideline No. 17 of August 2001 (WA)
<b>Description:</b>	<u>Cross-Border Trade in Services and Investment</u>  <u>Commonwealth</u>  Foreign fishing vessels <sup>1-8</sup> seeking to undertake fishing activity in the Australian Fishing Zone must be authorised.  Where foreign fishing vessels are authorised to undertake such fishing activity, they may be subject to a levy <sup>1-9</sup> .  <u>New South Wales</u>  A foreign person or a foreign-owned body is not permitted to hold shares in a share management fishery.  <u>Victoria</u>  A fishery access licence or aquaculture licence can only be issued to a natural person who is an Australian resident, or to a single corporation that has a registered office in Australia.  <u>Western Australia</u>  Foreign investment in the lobster processing sector in Western

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<sup>1-8</sup> For the purposes of this non-conforming measure, a foreign vessel is one that does not meet the definition of an Australian boat, that is, an Australian-flagged boat (not owned by a foreign resident) or a boat owned by an Australian resident or corporation and built, and whose operations are based, in Australia.

<sup>1-9</sup> The levy charged will be in accordance with the *Foreign Fishing Licences Levy Act 1991* (Cth) or any amendments thereto.

Australia is limited to 20 per cent. The level of foreign ownership and/or control of rock lobster processing authorisations is limited to 20 per cent of the ownership and/or control of any individual processing authorisation.

Only an individual who is an Australian citizen or permanent resident may be a licensee within the Western Australian pearling industry.

In the case of corporations, partnerships or trusts holding licences, these must be Australian owned and/or controlled (at least 51 per cent of the issued share capital, partnership interest or trust property must be owned by Australians; the chairman, majority of the board of the board of directors and all the company officers must be Australians and must be nominated by, and represent, Australian interests).

<b>Sector:</b>	Mining and Related Services
<b>Obligations Concerned:</b>	Performance Requirements (Article 10.7)
<b>Level of Government:</b>	Regional
<b>Source of Measure:</b>	<i>Mount Isa Mines Limited Agreement Act 1985 (Qld)</i>
<b>Description:</b>	<p><u>Investment</u></p> <p>The operator of Mount Isa Mines shall, so far as is reasonably and economically practicable:</p> <ul style="list-style-type: none"> <li>(a) use the services of professional consultants resident and available within Queensland;</li> <li>(b) use labour available within Queensland;</li> <li>(c) when preparing specifications, calling for tenders and letting contracts for works, materials, plant, equipment and supplies ensure that Queensland suppliers, manufacturers, and contractors are given reasonable opportunity to tender or quote; and</li> <li>(d) give proper consideration and where possible preference to Queensland suppliers, manufacturers and contractors when letting contracts or placing orders for works, materials, plant, equipment and supplies where price, quality, delivery and service are equal to or better than that obtainable elsewhere.</li> </ul>

<b>Sector:</b>	Other Business Services
<b>Obligations Concerned:</b>	Local Presence (Article 9.6) Senior Management and Boards of Directors (Article 10.8)
<b>Level of Government:</b>	Regional
<b>Source of Measure:</b>	<i>Prostitution Regulation Act</i> (NT)
<b>Description:</b>	<u>Cross-Border Trade in Services and Investment</u>  To be eligible for the grant of an operator's licence or a manager's licence in respect of an escort agency business, an individual must be resident in the Northern Territory.  For a body corporate to be granted an operator's licence its officers must also meet the residency requirement.

<b>Sector:</b>	Telecommunications
<b>Obligations Concerned:</b>	National Treatment (Article 10.3) Senior Management and Boards of Directors (Article 10.8)
<b>Level of Government:</b>	Central
<b>Source of Measure:</b>	<i>Telstra Corporation Act 1991 (Cth)</i>
<b>Description:</b>	<u>Investment</u>  Aggregate foreign equity is restricted to no more than 35 per cent of shares of Telstra. Individual or associated group foreign investment is restricted to no more than five per cent of shares.  The Chairperson and a majority of directors of Telstra must be Australian citizens and Telstra is required to maintain its head office, main base of operations and place of incorporation in Australia.

<b>Sector:</b>	Distribution Services
<b>Obligations Concerned:</b>	Local Presence (Article 9.6)
<b>Level of Government:</b>	Regional
<b>Source of Measure:</b>	<i>Firearms Act</i> (NT)
<b>Description:</b>	<u>Cross-Border Trade in Services</u>  Grant of a firearms licence <sup>I-10</sup> requires residency in the Northern Territory. Licences and permits expire three months after the holder ceases to reside permanently in the Territory.

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<sup>I-10</sup> A firearms licence includes a firearms dealers licence, armourers licence, firearms museum licence, collectors licence, firearms employee licence and paintball operators licence.

**Sector:** Distribution Services

**Obligations Concerned:** Local Presence (Article 9.6)

**Level of Government:** Regional

**Source of Measure:** *Liquor Act* (NT) and policy and practice  
*Kava Management Act* (NT)  
*Tobacco Control Act* (NT) and policy and practice

**Description:** Cross-Border Trade in Services

The Northern Territory Licensing Commission may require a liquor licensee if the licensee is an individual, or at least one of the licensees where the licence is held by a partnership, or the licence nominee where the licence is held by a corporation, to ordinarily reside within the general locality of the premises to which the licence relates.

The holder of a tobacco retail licence may only sell tobacco products from the premises specified in the licence.

A tobacco retail licence in relation to liquor licensed premises may only be granted to the liquor licensee of those premises.

An applicant for a retail licence for kava must ordinarily reside or carry on business in the relevant licence area in the Northern Territory.

<b>Sector:</b>	Distribution Services
<b>Obligations Concerned:</b>	Performance Requirements (Article 10.7)
<b>Level of Government:</b>	Regional
<b>Source of Measure:</b>	<i>Wine Industry Act 1994 (Qld)</i>
<b>Description:</b>	<p><u>Investment</u></p> <p>In order to obtain a wine merchant's licence to sell wine, the business conducted by a person under the licence must contribute to the Queensland wine industry in a substantial way. In order to obtain a wine producer's licence to sell wine, a person must be selling wine made from fruit grown by the person on the premises to which the licence relates, or selling wine made by the person on the premises to which the licence relates.</p>

<b>Sector:</b>	Retail Trade and Health Services
<b>Obligations Concerned:</b>	National Treatment (Article 9.3) Local Presence (Article 9.6)
<b>Level of Government:</b>	Regional
<b>Source of Measure:</b>	<i>Pharmacists Registration Act 2001</i> (Tas) <i>Pharmacy Act 1964</i> (WA)
<b>Description:</b>	<u>Cross-Border Trade in Services</u>  <u>Tasmania</u>  Only Australian citizens or persons having right to residency (permanent or temporary) may practise as pharmacists in Tasmania.  <u>Western Australia</u>  Only residents of Western Australia may practise as pharmacists in Western Australia.

<b>Sector:</b>	Professional and Health Services
<b>Obligations Concerned:</b>	National Treatment (Article 9.3) Local Presence (Article 9.6)
<b>Level of Government:</b>	Regional
<b>Source of Measure:</b>	<i>Medical Practitioners Registration Act 1996 (Tas)</i> <i>Psychologists Registration Act 2000 (Tas)</i> <i>Physiotherapists Registration Act 1999 (Tas)</i> <i>Medical Radiation Science Professionals Registration Act 1997 (Tas)</i> <i>Optometrists Registration Act 1994 (Tas)</i> <i>Dental Practitioners Registration Act 2001 (Tas)</i> <i>Dental Prosthetists Registration Act 1996 (Tas)</i> <i>Chiropractors and Osteopaths Registration Act 2000 (Tas)</i> <i>Podiatrists Registration Act 1995 (Tas)</i> <i>Pharmacists Registration Act 2001 (Tas)</i> <i>Occupational Therapists Registration Act 1980 (WA)</i> <i>Podiatrists Registration Act 1984 (WA)</i> <i>Psychologists Registration Act 1986 (WA)</i>
<b>Description:</b>	<u>Cross-Border Trade in Services</u>  <u>Tasmania</u>  Only Australian citizens or persons having a right to residency (permanent or temporary) may practise in Tasmania as medical practitioners, psychologists, physiotherapists, radiation therapists, diagnostic radiographers, nuclear medicine technologists, chiropractors, osteopaths, optometrists, dental practitioners, dental prosthetists and podiatrists.  <u>Western Australia</u>  Only residents of Western Australia may practise as occupational therapists, podiatrists or psychologists in Western Australia.

<b>Sector:</b>	Health
<b>Obligations Concerned:</b>	National Treatment (Article 10.3) Senior Management and Boards of Directors (Article 10.8)
<b>Level of Government:</b>	Central
<b>Source of Measure:</b>	<i>Commonwealth Serum Laboratories Act 1961</i> (Cth)
<b>Description:</b>	<u>Investment</u>  The votes attached to significant foreign shareholdings <sup>I-11</sup> are prevented from being counted in respect to the appointment, replacement or removal of more than one third of CSL's directors who hold office at a particular time. The head office and principal facilities used to produce products derived from human plasma collected from blood or plasma donated by individuals in Australia must remain in Australia. Two-thirds of the directors of the board of CSL and the chairperson of any meeting must be Australian citizens. CSL must not seek incorporation outside of Australia.

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<sup>I-11</sup> For the purposes of this non-conforming measure, "significant foreign shareholding" means a holding of voting shares in CSL in which a foreign person has a relevant interest, if the foreign person has relevant interests in at least five per cent of the voting shares in CSL.

<b>Sector:</b>	Tourism and Travel-related Services
<b>Obligations Concerned:</b>	National Treatment (Articles 9.3 and 10.3) Local Presence (Article 9.6)
<b>Level of Government:</b>	Regional
<b>Source of Measure:</b>	<i>Travel Agents Act 1988</i> (Qld) <i>Travel Agents Act 1985</i> (WA) Travel Agents Regulations 1986 (WA)
<b>Description:</b>	<u>Cross-Border Trade in Services and Investment</u>  <u>Queensland</u>  In order to obtain a licence to operate as a travel agent, a person must have a business address in Queensland.  <u>Western Australia</u>  To carry on business in Western Australia as a travel agent, a person must have a principal place of business in the state.

<b>Sector:</b>	Recreational, Cultural and Sporting Services
<b>Obligations Concerned:</b>	Local Presence (Article 9.6)
<b>Level of Government:</b>	Regional
<b>Source of Measure:</b>	<i>Nature Conservation Act 1992 (Qld)</i> Nature Conservation (Wildlife Management) Regulation 2006 (Qld) Nature Conservation (Administration) Regulation 2006 (Qld) Nature Conservation (Protected Plants) Conservation Plan 2000 (Qld)
<b>Description:</b>	<u>Cross-Border Trade in Services</u>  The Chief Executive of the Queensland Environmental Protection Agency may grant a wildlife authority <sup>1-12</sup> , other than a wildlife movement permit, to a corporation only if the corporation has an office in the State.  The chief executive may approve a person to be an authorised cultivator or propagator for protected plants only if:  (a) in the case of a natural person, the person is a resident of the State; or  (b) if the person is a corporation, the corporation has premises in the State at which the plants are to be cultivated or propagated.  An individual or corporation is only taken to be a “person aggrieved” by a decision, failure to make a decision or conduct under the Act if the individual is an Australian citizen or ordinarily resident in Australia or, if a corporation, established in Australia.

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<sup>1-12</sup> This term is defined in Schedule 7 of the Nature Conservation (Administration) Regulation 2006 (Qld).

<b>Sector:</b>	Transport Services
<b>Obligations Concerned:</b>	National Treatment (Articles 9.3 and 10.3) Local Presence (Article 9.6)
<b>Level of Government:</b>	Central
<b>Source of Measure:</b>	<i>Trade Practices Act 1974 (Cth)</i>
<b>Description:</b>	<p><u>Cross-Border Trade in Services and Investment</u></p> <p>Every ocean carrier who provides international liner cargo shipping services to or from Australia must, at all times, be represented by a natural person who is resident in Australia.</p> <p>Only Australian flag operators may apply to the Australian Competition and Consumer Commission to examine whether conference members, and non-conference operators with substantial market power, are hindering other shipping operators from engaging efficiently in the provision of outward liner cargo services to an extent that is reasonable.</p>

<b>Sector:</b>	Transport
<b>Obligations Concerned:</b>	National Treatment (Article 10.3) Senior Management and Boards of Directors (Article 10.8)
<b>Level of Government:</b>	Central
<b>Source of Measure:</b>	<i>Air Navigation Act 1920</i> (Cth) Ministerial Statement
<b>Description:</b>	<p><u>Investment</u></p> <p>Total foreign ownership of Australian international airlines (other than Qantas) is restricted to a maximum of 49 per cent.</p> <p>Furthermore, it is required that:</p> <ul style="list-style-type: none"> <li>• at least two-thirds of the Board members must be Australian citizens;</li> <li>• the Chairperson of the Board must be an Australian citizen;</li> <li>• the airline's head office must be in Australia; and</li> <li>• the airline's operational base must be in Australia.</li> </ul>

<b>Sector:</b>	Transport
<b>Obligations Concerned:</b>	National Treatment (Article 10.3) Senior Management and Boards of Directors (Article 10.8)
<b>Level of Government:</b>	Central
<b>Source of Measure:</b>	<i>Qantas Sale Act 1992</i> (Cth)
<b>Description:</b>	<p><u>Investment</u></p> <p>Total foreign ownership of Qantas Airways Ltd is restricted to a maximum of 49 per cent in aggregate, with individual foreign holdings limited to 25 per cent and aggregate holdings by foreign airlines to 35 per cent. In addition:</p> <ul style="list-style-type: none"> <li>• the head office of Qantas must always be located in Australia;</li> <li>• the majority of Qantas' operational facilities must be located in Australia;</li> <li>• at all times, at least two-thirds of the directors of Qantas must be Australian citizens;</li> <li>• at a meeting of the board of directors of Qantas, the director presiding at the meeting (however described) must be an Australian citizen; and</li> <li>• Qantas is prohibited from taking any action to become incorporated outside Australia.</li> </ul>

<b>Sector:</b>	Transport Services
<b>Obligations Concerned:</b>	Local Presence (Article 9.6)
<b>Level of Government:</b>	Regional
<b>Source of Measure:</b>	<i>Commercial Passenger (Road Transport) Act (NT)</i>
<b>Description:</b>	<u>Cross-Border Trade in Services</u>  A taxi licence will be cancelled where the holder, being an individual, has not been ordinarily resident in the Northern Territory for more than six months or, being a body corporate, has ceased for more than six months to have its principal place of business in the Territory.

**ANNEX I**  
**SCHEDULE OF CHILE**

**Sector:** All Sectors

**Sub-Sector:**

**Industry  
Classification:**

**Obligations  
Concerned:** National Treatment (Article 10.3)

**Level of  
Government:** Central

**Measures** Decree Law 1939, Official Gazette, November 10, 1977, Rules for acquisition, administration and disposal of State owned assets, Title I (*Decreto Ley 1939, Diario Oficial, noviembre 10, 1977, Normas sobre adquisición, administración y disposición de bienes del Estado, Título I*)

Decree with Force of Law (D.F.L.) 4 of the Ministry of Foreign Affairs, Official Gazette, November 10, 1967 (*Decreto con Fuerza de Ley (D.F.L.) 4 del Ministerio de Relaciones Exteriores, Diario Oficial, noviembre 10, 1967*)

**Description:** Investment

Chile may only dispose of the ownership or other rights over “State land” to Chilean natural or juridical persons, unless the applicable legal exceptions, such as in Decree Law 1939 (*Decreto Ley 1939*), apply. “State land” for these purposes refers to State owned land up to a distance of 10 kilometers from the border and up to a distance of five kilometers from the coastline.

Corporeal immovable property situated in areas declared “the borderland zone” by virtue of D.F.L 4 of the Ministry of Foreign Affairs, 1967 (*D.F.L. 4 del Ministerio de Relaciones Exteriores, 1967*) may not be acquired, either as property or in any other title, by (1) natural persons with nationality of a neighbouring country; (2) juridical persons with their principal seat in a neighbouring country; (3) juridical persons with 40 per cent or more of capital owned by natural persons with nationality of a neighbouring country; or (4) juridical persons effectively controlled by such

natural persons. Notwithstanding the foregoing, this limitation may not apply if an exemption is granted by a Supreme Decree (*Decreto Supremo*) of the President of the Republic based on considerations of national interest.

<b>Sector:</b>	All Sectors
<b>Sub-Sector:</b>	
<b>Industry Classification:</b>	
<b>Obligations Concerned:</b>	National Treatment (Article 9.3) Local Presence (Article 9.6)
<b>Level of Government:</b>	Central
<b>Measures</b>	D.F.L. 1 of the Ministry of Labour and Social Welfare, Official Gazette, January 24, 1994, Labour Code, Preliminary Title, Book I, Chapter III ( <i>D.F.L. 1 del Ministerio del Trabajo y Previsión Social, Diario Oficial, enero 24, 1994, Código del Trabajo, Título preliminar, Libro I, Capítulo III</i> )
<b>Description:</b>	<p><u>Cross-Border Trade in Services</u></p> <p>A minimum of 85 per cent of employees who work for the same employer shall be Chilean natural persons. This rule applies to employers with more than 25 employees under a contract of employment (<i>contrato de trabajo</i>). Expert technical personnel who cannot be replaced by Chilean personnel shall not be subject to this provision, as determined by the Directorate of Labour (<i>Dirección del Trabajo</i>).</p> <p>An employee shall be understood to mean any natural person who supplies intellectual or material services, under dependency or subordination, pursuant to a contract of employment.</p> <p>Article 20 of the <i>Código del Trabajo</i> shall be understood to mean that the personnel that an investor of Australia that has made an investment under Chapter 10 (Investment) requires for starting up in Chile will be treated, for a period of 18 months from the date of start up, as specialised technical personnel that cannot be replaced by national personnel.</p> <p>For greater certainty, a <i>contrato de trabajo</i> is not mandatory for the supply of cross-border trade in services.</p>

<b>Sector:</b>	Communications
<b>Sub-Sector:</b>	
<b>Industry Classification:</b>	
<b>Obligations Concerned:</b>	<p>National Treatment (Articles 9.3 and 10.3)</p> <p>Most-Favoured-Nation Treatment (Articles 9.4 and 10.4)</p> <p>Performance Requirements (Article 10.7)</p> <p>Senior Management and Boards of Directors (Article 10.8)</p> <p>Local Presence (Article 9.6)</p>
<b>Level of Government:</b>	Central
<b>Measures</b>	<p>Law 18.838, Official Gazette, September 30, 1989, National Television Council, Titles I, II and III (<i>Ley 18.838, Diario Oficial, septiembre 30, 1989, Consejo Nacional de Televisión, Títulos I, II y III</i>)</p> <p>Law 18.168, Official Gazette, October 2, 1982, General Telecommunications Law, Titles I, II and III (<i>Ley 18.168, Diario Oficial, octubre 2, 1982, Ley General de Telecomunicaciones, Títulos I, II y III</i>)</p> <p>Law 19.733, Official Gazette, June 4, 2001, Law on Liberties of Opinion and Information and the Exercise of Journalism, Titles I and III (<i>Ley 19.733, Diario Oficial, junio 4, 2001, Ley sobre las Libertades de Opinión e Información y Ejercicio del Periodismo, Títulos I y III</i>)</p>
<b>Description:</b>	<p><u>Investment and Cross-Border Trade in Services</u></p> <p>The owner of a social communication medium such as sound and image transmissions or a national news agency, shall in the case of a natural person have a duly established domicile in Chile and in the case of a juridical person shall be constituted with domicile in Chile or have an agency authorised to operate within the national territory. Only Chilean nationals may be president, administrators or legal representatives of the juridical person. In</p>

the case of public radio broadcasting services, the board of directors may include foreigners only if they do not represent the majority. The legally responsible director and the person who subrogates him/her must be Chilean with domicile and residence in Chile.

Requests for public radio broadcasting concessions submitted by juridical persons in which foreigners hold an interest exceeding 10 per cent of the capital shall be granted only if proof is previously provided verifying that similar rights and obligations as those that the applicants will enjoy in Chile are granted to Chilean nationals in their country of origin.

The National Television Council may establish, as a general requirement, that programs broadcast through public (open) television channels include up to 40 per cent of Chilean production.

Only juridical persons duly constituted in Chile and having domicile in Chile may be the titleholders or make use of permits for radio broadcasting telecommunications services. Only Chilean nationals may be president, managers or legal representatives of the juridical person.

Only juridical persons duly constituted in Chile and having domicile in Chile may be the titleholders or make use of permits for limited cable television or microwave television services. Only Chilean nationals may be president, directors, managers, administrators or legal representatives of the juridical person.

<b>Sector:</b>	Energy
<b>Sub-Sector:</b>	
<b>Industry Classification:</b>	CPC 12 Crude petroleum and gas natural
	CPC 13 Uranium and thorium ores
	CPC 14 Metal ores
	CPC 16 Other minerals
<b>Obligations Concerned:</b>	National Treatment (Article 10.3)
	Performance Requirements (Article 10.7)
<b>Level of Government:</b>	Central
<b>Measures</b>	<p>Political Constitution of the Republic of Chile, Chapter III (<i>Constitución Política de la República de Chile, Capítulo III</i>)</p> <p>Law 18.097, Official Gazette, January 21, 1982, Constitutional Organic Law on Mining Concessions, Titles I, II and III (<i>Ley 18.097, Diario Oficial, enero 21, 1982, Orgánica Constitucional sobre Concesiones Mineras, Títulos I, II y III</i>)</p> <p>Law 18.248, Official Gazette, October 14, 1983, Mining Code, Titles I and II (<i>Ley 18.248, Diario Oficial, octubre 14, 1983, Código de Minería, Títulos I y II</i>)</p> <p>Law 16.319, Official Gazette, October 23, 1965, Creates the Chilean Nuclear Energy Commission, Titles I, II and III (<i>Ley 16.319, Diario Oficial, octubre 23, 1965, crea la Comisión Chilena de Energía Nuclear, Títulos I, II y III</i>)</p>
<b>Description:</b>	<p><u>Investment</u></p> <p>The exploration, exploitation, and treatment (<i>beneficio</i>) of liquid or gaseous hydrocarbons, deposits of any kind existing in sea waters subject to national jurisdiction, and deposits of any kind wholly or partially located in areas classified as important to national security with mining effects, which qualification shall be made by law only, can be the object of administrative concessions or special operating contracts, subject to the</p>

requirements and the conditions to be determined, in each case by a Supreme Decree of the President of the Republic. For greater certainty, it is understood that the term “treatment” (*beneficio*) shall not include the storage, transportation or refining of the energy material referred to in this paragraph.

The production of nuclear energy for peaceful purposes may only be carried out by the Chilean Nuclear Energy Commission (*Comisión Chilena de Energía Nuclear*) or, with its authorisation, jointly with third persons. Should the Commission grant such an authorisation, it may determine the terms and conditions thereof.

<b>Sector:</b>	Mining
<b>Sub-Sector:</b>	
<b>Industry Classification:</b>	CPC 13 Uranium and thorium ores CPC 14 Metal ores CPC 16 Other minerals
<b>Obligations Concerned:</b>	National Treatment (Article 10.3) Performance Requirements (Article 10.7)
<b>Level of Government:</b>	Central
<b>Measures</b>	<p>Political Constitution of the Republic of Chile, Chapter III (<i>Constitución Política de la República de Chile, Capítulo III</i>)</p> <p>Law 18.097, Official Gazette, January 21, 1982, Constitutional Organic Law on Mining Concessions, Titles I, II and III (<i>Ley 18.097, Diario Oficial, enero 21, 1982, Orgánica Constitucional sobre Concesiones Mineras, Títulos I, II y III</i>)</p> <p>Law 18.248, Official Gazette, October 14, 1983, Mining Code, Titles I and III (<i>Ley 18.248, Diario Oficial, octubre 14, 1983, Código de Minería, Títulos I y III</i>)</p> <p>Law 16.319, Official Gazette, October 23, 1965, Creates the Chilean Nuclear Energy Commission, Titles I, II and III (<i>Ley 16.319, Diario Oficial, octubre 23, 1965, crea la Comisión Chilena de Energía Nuclear, Títulos I, II y III</i>)</p>
<b>Description:</b>	<p><u>Investment</u></p> <p>The exploration, exploitation, and treatment (<i>beneficio</i>) of lithium, deposits of any kind existing in sea waters subject to national jurisdiction, and deposits of any kind wholly or partially located in areas classified as important to national security with mining effects, which qualification shall be made by law only, can be the object of administrative concessions or special operating contracts, subject to the requirements and the conditions to be determined, in each case by a Supreme Decree of the President of the Republic.</p>

Chile has the right of first refusal, at the customary market prices and terms, for the purchase of mineral products from mining operations in Chile when thorium or uranium are contained in significant amounts therein.

For greater certainty, Chile may demand that producers separate from mining products the portion of:

- (1) liquid or gaseous hydrocarbons;
- (2) lithium;
- (3) deposits of any kind existing in sea waters subject to national jurisdiction; and
- (4) deposits of any kind wholly or partially located in areas classified as important to national security with mining effects, which qualification shall be made by law only, that exists, in significant amounts, in such mining products and that can be economically and technically separated, for delivery to or for sale on behalf of the State. For these purposes, “economically and technically separated” means that the costs incurred to recover the four types of substances referred to above through a sound technical procedure and to commercialise and deliver those substances shall be lower than their commercial value.

Extracted natural atomic materials and lithium, and their concentrates, derivatives and compounds, cannot be subject to any kind of juridical acts, unless executed or entered into by the Chilean Nuclear Energy Commission (*Comisión Chilena de Energía Nuclear*), or with its prior authorisation. Should the Commission grant an authorisation, it shall determine, in turn, the conditions granted therein.

<b>Sector:</b>	Fisheries
<b>Sub-Sector:</b>	Aquaculture
<b>Industry Classification:</b>	CPC 04 Fish and other fishing products
<b>Obligations Concerned:</b>	National Treatment (Article 10.3)
<b>Level of Government:</b>	Central
<b>Measures</b>	Law 18.892, Official Gazette, January 21, 1992, General Law on Fisheries and Aquaculture, Titles I and VI ( <i>Ley 18.892, Diario Oficial, enero 21, 1992, Ley General de Pesca y Acuicultura, Títulos I y VI</i> )
<b>Description:</b>	<p><u>Investment</u></p> <p>A concession or authorisation is required for the use of beaches, land adjacent to beaches (<i>terrenos de playas</i>), water-columns (<i>porciones de agua</i>) and sea-bed lots (<i>fondos marinos</i>) to engage in aquaculture activities.</p> <p>Only Chilean natural or juridical persons constituted in accordance with Chilean law and foreigners with permanent residency may hold an authorisation or concession to carry out aquaculture activities.</p>

<b>Sector:</b>	Fisheries
<b>Sub-Sector:</b>	
<b>Industry Classification:</b>	CPC 04 Fish and other fishing products
<b>Obligations Concerned:</b>	National Treatment (Articles 9.3 and 10.3) Most-Favoured-Nation Treatment (Articles 9.4 and 10.4) Senior Management and Boards of Directors (Article 10.8) Local Presence (Article 9.6)
<b>Level of Government:</b>	Central
<b>Measures</b>	Law 18.892, Official Gazette, January 21, 1992, General Law on Fisheries and Aquaculture, Titles I, III, IV and IX ( <i>Ley 18.892, Diario Oficial, enero 21, 1992, Ley General de Pesca y Acuicultura, Títulos I, III, IV y IX</i> )  Decree Law 2.222, Official Gazette, May 31, 1978, Navigation Law, Titles I and II ( <i>Decreto Ley 2.222, Diario Oficial, mayo 31, 1978, Ley de Navegación, Títulos I y II</i> )

**Description:** Investment and Cross-Border Trade in Services

A permit issued by the Vice-Ministry of Fishing (*Subsecretaría de Pesca*) is required in order to harvest and catch hydrobiological species in internal waters, in the territorial sea and in the exclusive economic zone.

Only Chilean natural persons or juridical persons constituted in accordance with Chilean law and foreigners with permanent residency may hold permits to harvest and catch hydrobiological species.

Only Chilean vessels are permitted to fish in internal waters, in the territorial sea and in the exclusive economic zone. “Chilean vessels” are those defined in the Navigation Law (*Ley de Navegación*). Access to industrial extractive fishing activities shall be subject to prior registration of the vessel in Chile.

Only a Chilean natural or juridical person may register a vessel in Chile. Such juridical person must be constituted in Chile with principal domicile and real and effective seat in Chile. The president, manager and the majority of the directors or administrators must be Chilean natural persons. In addition, more than 50 per cent of its equity capital must be held by Chilean natural or juridical persons. For these purposes, a juridical person with ownership participation in another juridical person that owns a vessel has to comply with all the requirements mentioned above.

A joint ownership (*comunidad*) may register a vessel if (1) the majority of the joint ownership is Chilean with domicile and residency in Chile; (2) the administrators are Chilean natural persons; and (3) the majority of the rights of the joint ownership (*comunidad*) belong to a Chilean natural or juridical person. For these purposes, a juridical person with ownership participation in a joint ownership (*comunidad*) that owns a vessel has to comply with all the requirements mentioned above.

An owner (natural or juridical person) of a fishing vessel registered in Chile prior to June 30, 1991 shall not be subject to the nationality requirement mentioned above.

In cases of reciprocity granted to Chilean vessels by any other country, fishing vessels specifically authorised by the maritime authorities pursuant to powers conferred by law may be exempted from the requirements mentioned above on equivalent

terms provided to Chilean vessels by that country.

Access to small-scale fishing (*pesca artesanal*) activities shall be subject to registration in the registry for small-scale fishing (*Registro de Pesca Artesanal*). Registration for small-scale fishing (*pesca artesanal*) is only granted to Chilean natural persons and foreign natural persons with permanent residency, or a Chilean juridical person constituted by the aforementioned persons.

**Sector:** Sports, Industrial Fishing and Hunting, and Recreational Services

**Sub-Sector:**

**Industry Classification:** CPC 881 Services incidental to agriculture, hunting and forestry

CPC 882 Services incidental to fishing

CPC 96499 Other recreational services n.e.c.

**Obligations Concerned:** Local Presence (Article 9.6)

**Level of Government:** Central

**Measures** Law 17.798, Official Gazette, October 21, 1972, Title I (*Ley 17.798, Diario Oficial, octubre 21, 1972, Título I*)

Supreme Decree 77 of the Ministry of National Defence, Official Gazette, August 14, 1982 (*Decreto Supremo 77 del Ministerio de Defensa Nacional, Diario Oficial, agosto 14, 1982*)

**Description:** Cross-Border Trade in Services

Any person who owns guns, explosives or similar substances must register with the appropriate authority in its domicile, for which purpose a request shall be submitted to the General Directorate for National Mobilisation of the Ministry of National Defence (*Dirección General de Movilización Nacional del Ministerio de Defensa Nacional*).

Any natural or juridical person registered as an importer of fireworks may request authorisation for importation and entrance thereof into Chile from Group No. 3 of the General Directorate for National Mobilisation and may keep stocks of the said elements for sale to persons holding authorisation to stage pyrotechnical shows.

The Supervisory Authority (*Autoridad Fiscalizadora*) shall only authorise pyrotechnical shows if a report is available with regard to the installation, development, and security measures for the show, which must be signed and approved by a fireworks programmer registered in the national registries of the General Directorate for National Mobilisation or by a professional certified by the said General Directorate.

For the production and execution of pyrotechnical shows, the presence of at least a fireworks expert handler registered with the General Directorate shall be required.

<b>Sector:</b>	Specialised Services
<b>Sub-Sector:</b>	Customs Agents ( <i>Agentes de Aduana</i> ) and Brokers ( <i>Despachadores de Aduana</i> )
<b>Industry Classification:</b>	CPC 748 Freight transport agency services CPC 749 Other supporting and auxiliary transport services
<b>Obligations Concerned:</b>	National Treatment (Article 9.3) Local Presence (Article 9.6)
<b>Level of Government:</b>	Central
<b>Measures</b>	D.F.L. 30 of the Ministry of Finance, Official Gazette, April 13, 1983, Book IV ( <i>D.F.L. 30 del Ministerio de Hacienda, Diario Oficial, abril 13, 1983, Libro IV</i> )  D.F.L. 2 of the Ministry of Finance, 1998 ( <i>D.F.L. 2 del Ministerio de Hacienda, 1998</i> )
<b>Description:</b>	<u>Cross-Border Trade in Services</u>  Only Chilean natural persons may act as customs brokers ( <i>Despachadores de Aduana</i> ) or agents ( <i>Agentes de Aduana</i> ).

<b>Sector:</b>	Specialised Services
<b>Sub-Sector:</b>	Private Armed Security Guards
<b>Industry Classification:</b>	CPC 873 Investigation and security services
<b>Obligations Concerned:</b>	National Treatment (Article 9.3)
<b>Level of Government:</b>	Central
<b>Measures</b>	Decree 1.773 of the Ministry of Interior, Official Gazette, November 14, 1994 ( <i>Decreto 1.773 del Ministerio del Interior, Diario Oficial, noviembre 14, 1994</i> )
<b>Description:</b>	<u>Cross-Border Trade in Services</u>  Only Chilean nationals may provide services as private armed security guards.

<b>Sector:</b>	Business Services
<b>Sub-Sector:</b>	Research Services
<b>Industry Classification:</b>	CPC 851 Research and experimental development services on natural sciences and engineering  CPC 853 Interdisciplinary research and experimental development services  CPC 882 Services incidental to fishing
<b>Obligations Concerned:</b>	National Treatment (Article 9.3)
<b>Level of Government:</b>	Central
<b>Measures</b>	Supreme Decree 711 of the Ministry of National Defence, Official Gazette, October 15, 1975 ( <i>Decreto Supremo 711 del Ministerio de Defensa Nacional, Diario Oficial, octubre 15, 1975</i> )
<b>Description:</b>	<u>Cross-Border Trade in Services</u>  Foreign natural and juridical persons intending to conduct research in the Chilean 200-mile maritime zone shall be required to submit a request six months in advance to the Chilean Army Hydrographic Institute ( <i>Instituto Hidrográfico de la Armada de Chile</i> ) and shall comply with the requirements established in the corresponding regulation.

<b>Sector:</b>	Business Services
<b>Sub-Sector:</b>	Research Services
<b>Industry Classification:</b>	CPC 851 Research and experimental development services on natural sciences and engineering  CPC 853 Interdisciplinary research and experimental development services  CPC 8675 Engineering related scientific and technical consulting services
<b>Obligations Concerned:</b>	National Treatment (Article 9.3)
<b>Level of Government:</b>	Central
<b>Measures</b>	D.F.L. 11 of the Ministry of Economic Affairs, Development and Reconstruction, <i>Official Gazette, December 5, 1968 (D.F.L. 11 del Ministerio de Economía, Fomento y Reconstrucción, Diario Oficial, diciembre 5, 1968)</i>  Decree 559 of the Ministry of Foreign Affairs, Official Gazette, January 24, 1968 ( <i>Decreto 559 del Ministerio de Relaciones Exteriores, Diario Oficial, enero 24, 1968</i> )  D.F.L. 83 of the Ministry of Foreign Affairs, Official Gazette, March 27, 1979 ( <i>D.F.L. 83 del Ministerio de Relaciones Exteriores, Diario Oficial, marzo 27, 1979</i> )
<b>Description:</b>	<u>Cross-Border Trade in Services</u>  Natural persons representing foreign juridical persons, or natural persons residing abroad, intending to perform explorations for work of a scientific or technical nature, or mountain climbing, in areas that are adjacent to Chilean borders shall apply for the appropriate authorisation through a Chilean consul in the country of domicile of the natural person. The Chilean consul shall then send such application directly to the National Directorate of Borders and Frontiers of the State ( <i>Dirección Nacional de Fronteras y Límites del Estado</i> ). The Directorate may order that one or more Chilean natural persons working in the appropriate related activities shall join the explorations in order to become

acquainted with the studies to be undertaken.

The Operations Department of the National Directorate of Borders and Frontiers of the State (*Departamento de Operaciones de la Dirección Nacional de Fronteras y Límites del Estado*) shall decide and announce whether it authorises or rejects geographic or scientific explorations to be carried out by foreign juridical or natural persons in Chile. The National Directorate of Borders and Frontiers of the State shall authorise and will supervise all explorations involving work of a scientific or technical nature, or mountain climbing, that foreign juridical persons or natural persons residing abroad intend to carry out in areas adjacent to Chilean borders.

<b>Sector:</b>	Business Services
<b>Sub-Sector:</b>	Research in Social Sciences
<b>Industry Classification:</b>	CPC 86751 Geological, geophysical and other scientific prospecting services
<b>Obligations Concerned:</b>	National Treatment (Article 9.3)
<b>Level of Government:</b>	Central
<b>Measures</b>	<p>Law 17.288, Official Gazette, February 4, 1970, Title V (<i>Ley 17.288, Diario Oficial, febrero 4, 1970, Título V</i>)</p> <p>Supreme Decree 484 of the Ministry of Education, Official Gazette, April 2, 1991 (<i>Decreto Supremo 484 del Ministerio de Educación, Diario Oficial, abril 2, 1991</i>)</p>
<b>Description:</b>	<p><u>Cross-Border Trade in Services</u></p> <p>Foreign juridical or foreign natural persons intending to perform excavations, surveys, probing and/or collect anthropological, archeological or paleontological material must apply for a permit from the National Monuments Council (<i>Consejo de Monumentos Nacionales</i>). In order to obtain the permit, the person in charge of the research must be engaged by a reliable foreign scientific institution and must be working in collaboration with a Chilean governmental scientific institution or a Chilean university.</p> <p>The aforementioned permit can be granted to (1) Chilean researchers having the pertinent scientific background in archeology, anthropology or paleontology, duly certified as appropriate, and also having a research project and due institutional sponsorship; and (2) foreign researchers, provided that they are engaged by a reliable scientific institution and that they work in collaboration with a Chilean governmental scientific institution or a Chilean university. Museum directors or curators acknowledged by the National Monuments Council (<i>Consejo de Monumentos Nacionales</i>), professional archeologists, anthropologists or paleontologists, as appropriate, and the members of the Chilean Society of Archeology (<i>Sociedad Chilena de Arqueología</i>) shall be authorised to perform salvage-related works. Salvage-related works involve the urgent recovery</p>

of data or archeological, anthropological or paleontological artifacts or species threatened by imminent loss.

<b>Sector:</b>	Business Services
<b>Sub-Sector:</b>	Printing, Publishing and Other Related Industries
<b>Industry Classification:</b>	
<b>Obligations Concerned:</b>	National Treatment (Articles 9.3 and 10.3)
	Most-Favoured-Nation Treatment (Articles 9.4 and 10.4)
	Senior Management and Boards of Directors (Article 10.8)
	Local Presence (Article 9.6)
<b>Level of Government:</b>	Central
<b>Measures</b>	Law 19.733, Official Gazette, June 4, 2001, Law on Liberties of Opinion and Information and the Exercise of Journalism, Titles I & III ( <i>Ley 19.733, Diario Oficial, junio 4, 2001, Ley sobre las Libertades de Opinión e Información y Ejercicio del Periodismo, Títulos I y III</i> )
<b>Description:</b>	<u>Investment and Cross-Border Trade in Services</u>  The owner of a social communication medium such as newspapers, magazines or regularly published texts whose publishing address is located in Chile, or a national news agency, shall in the case of a natural person have a duly established domicile in Chile and, in the case of a juridical person, shall be constituted with domicile in Chile or have an agency authorised to operate within the national territory. Only Chilean nationals may be president, administrators or legal representatives of the juridical person. The director legally responsible and the person who replaces him or her must be Chilean with domicile and residence in Chile.

<b>Sector:</b>	Professional Services
<b>Sub-Sector:</b>	Professional, Technical and Specialised Services
<b>Industry Classification:</b>	CPC 86211 Financial auditing services
<b>Obligations Concerned:</b>	National Treatment (Article 9.3) Local Presence (Article 9.6)
<b>Level of Government:</b>	Central
<b>Measures</b>	<p>Law 18.046, Official Gazette, October 22, 1981, Corporations Law, Title V (<i>Ley 18.046, Diario Oficial, octubre 22, 1981, Ley de Sociedades Anónimas, Título V</i>)</p> <p>Supreme Decree 587 of the Ministry of Finance, Official Gazette, November 13, 1982, Corporations Act (<i>Decreto Supremo 587 del Ministerio de Hacienda, Diario Oficial, noviembre 13, 1982, Reglamento de Sociedades Anónimas</i>)</p> <p>Decree Law 1.097, Official Gazette, July 25, 1975, Titles I, II, III and IV (<i>Decreto Ley 1.097, Diario Oficial, julio 25, 1975, Títulos I, II, III y IV</i>)</p> <p>Decree Law 3.538, Official Gazette, December 23, 1980, Titles I, II, III and IV (<i>Decreto Ley 3.538, Diario Oficial, diciembre 23, 1980, Títulos I, II, III y IV</i>) Circular 2.714, October 6, 1992; Circular 1, January 17, 1989; Chapter 19 Updated Collection, Superintendency of Banks and Financial Institutions Norms on External Auditors (<i>Circular 2.714, octubre 6, 1992; Circular 1, enero 17, 1989; Capítulo 19 de la Recopilación Actualizada de Normas de la Superintendencia de Bancos e Instituciones Financieras sobre auditores externos</i>)</p> <p>Circulars 327, June 29, 1983 and 350, October 21, 1983, Superintendency of Stock Corporations and Insurance Companies (<i>Circulares 327, junio 29, 1983 y 350, octubre 21, 1983, de la Superintendencia de Valores y Seguros</i>)</p>
<b>Description:</b>	<u>Cross-Border Trade in Services</u>

External auditors of financial institutions must be registered in the Registry of External Auditors kept by the Superintendency of Banks and Financial Institutions (*Superintendencia de Bancos e Instituciones Financieras*) and the Superintendency of Stock Corporations and Insurance Companies (*Superintendencia de Valores y Seguros*). Only firms legally incorporated in Chile as partnerships (*sociedades de personas*) or associations (*asociaciones*) and whose main line of business is auditing services may be inscribed in the Registry.

<b>Sector:</b>	Professional Services
<b>Sub-Sector:</b>	Legal Services
<b>Industry Classification:</b>	CPC 861 Legal services
<b>Obligations Concerned:</b>	National Treatment (Article 9.3) Most-Favoured-Nation Treatment (Article 9.4) Local Presence (Article 9.6)
<b>Level of Government:</b>	Central
<b>Measures</b>	Tribunals Organic Code, Title XV ( <i>Código Orgánico de Tribunales, Título XV</i> )  Decree 110 of the Ministry of Justice, Official Gazette, March 20, 1979 ( <i>Decreto 110 del Ministerio de Justicia, Diario Oficial, marzo 20, 1979</i> )  Law 18.120, Official Gazette, May 18, 1982 ( <i>Ley 18.120, Diario Oficial, mayo 18, 1982</i> )  Agreement on Mutual Recognition of Examinations and Professional Degrees between Chile and Ecuador, Official Gazette, July 16, 1937 ( <i>Convenio sobre mutuo reconocimiento de exámenes y de títulos profesionales entre Chile y Ecuador</i> )
<b>Description:</b>	<u>Cross-Border Trade in Services</u>  Only Chilean and foreign nationals with residence in Chile, who have completed the totality of their legal studies in the country, shall be authorised to practice as lawyers ( <i>abogados</i> ). This paragraph shall be understood in accordance with Chile's obligations under any other international treaty.  Only lawyers ( <i>abogados</i> ) duly qualified to practise law shall be authorised to plead a case in Chilean courts and to file the first legal action or claim of each party.  The following documents, among others, shall be drawn up

solely by lawyers (*abogados*): drafting of articles of incorporation and amendments thereto; mutual termination of obligations or liquidation of corporations; liquidation of community property between spouses (*sociedad conyugal*); distribution of property; articles of incorporation of juridical persons, associations, water canal members (*asociaciones de canalistas*), and cooperative associations (*cooperativas*); agreements governing financial transactions; corporate bond issuance agreements; and sponsoring applications for legal representation made by corporations and foundations.

Chile has a bilateral agreement with Ecuador, whereby Ecuadorian citizens holding a lawyers degree granted by a University in Ecuador are admitted to practise as lawyers (*abogados*) in Chile.

None of these measures apply to foreign legal consultants who practise or advise on international law or Australian law.

<b>Sector:</b>	Professional, Technical and Specialised Services
<b>Sub-Sector:</b>	Auxiliary Services in the Administration of Justice
<b>Industry Classification:</b>	CPC 861 Legal services
<b>Obligations Concerned:</b>	National Treatment (Article 9.3) Local Presence (Article 9.6)
<b>Level of Government:</b>	Central
<b>Measures</b>	<p>Tribunales Organic Code, Titles XI and XII (<i>Código Orgánico de Tribunales, Títulos XI y XII</i>)</p> <p>Real State Custodian Registry Act, Titles I, II and III (<i>Reglamento del Registro Conservador de Bienes Raíces, Títulos I, II y III</i>)</p> <p>Law 18.118, Official Gazette, May 22, 1982, Title I (<i>Ley 18.118, Diario Oficial, mayo 22, 1982, Título I</i>)</p> <p>Decree 197 of the Ministry of Economic Affairs, Development and Reconstruction, Official Gazette, August 8, 1985 (<i>Decreto 197 del Ministerio de Economía, Fomento y Reconstrucción, Diario Oficial, agosto 8, 1985</i>)</p> <p>Law 18.175, Official Gazette, October 28, 1982, Title III (<i>Ley 18.175, Diario Oficial, octubre 28, 1982, Título III</i>)</p>
<b>Description:</b>	<p><u>Cross-Border Trade in Services</u></p> <p>Justice ancillaries (<i>auxiliares de justicia</i>) must have their residence in the same city or place where the court house for which they render services is domiciled.</p> <p>Public defenders (<i>defensores públicos</i>), public notaries (<i>notarios públicos</i>), and custodians (<i>conservadores</i>) shall be Chilean natural persons and fulfill the same requirements needed to become a judge.</p>

Archivists (*archiveros*) and arbitrators at law (*arbitros de derecho*) must be lawyers (*abogados*) and, therefore, must be Chilean or foreign nationals with residence in Chile who have completed the totality of their legal studies in the country. Australian lawyers may assist in arbitration when dealing with Australian and international law and the private parties request it.

Only Chilean natural persons with the right to vote, and foreign natural persons with permanent residence and the right to vote, can act as process servers (*receptores judiciales*) and superior court attorneys (*procuradores del número*).

Only Chilean natural persons, foreign natural persons with permanent residence in Chile or Chilean juridical persons may be auctioneers (*martilleros públicos*).

Receivers in bankruptcy (*síndicos de quiebra*) must have a professional or technical degree granted by a university or a professional or technical institute recognised by Chile. Receivers in bankruptcy must have at least three years of experience in the commercial, economic or juridical field.

<b>Sector:</b>	Transportation
<b>Sub-Sector:</b>	Air Transportation
<b>Industry Classification:</b>	CPC 734 Rental services of aircraft with operator CPC 7469 Other supporting services for air transport
<b>Obligations Concerned:</b>	National Treatment (Articles 9.3 and 10.3) Most-Favoured-Nation Treatment (Articles 9.4 and 10.4) Senior Management and Boards of Directors (Article 10.8) Local Presence (Article 9.6)
<b>Level of Government:</b>	Central
<b>Measures</b>	Law 18.916, Official Gazette, February 8, 1990, Code of Aeronautics, Preliminary Title and Titles II and III ( <i>Ley 18.916, Diario Oficial, febrero 8, 1990, Código Aeronáutico, Títulos Preliminar, II y III</i> )  Decree Law 2.564, Official Gazette, June 22, 1979, Commercial Aviation Norms ( <i>Decreto Ley 2.564, Diario Oficial, junio 22, 1979, Normas sobre Aviación Comercial</i> )  Supreme Decree 624 of the Ministry of National Defence, Official Gazette, January 5, 1995 ( <i>Decreto Supremo 624 del Ministerio de Defensa Nacional, Diario Oficial, enero 5, 1995</i> )  Law 16.752, Official Gazette, February 17, 1968, Title II ( <i>Ley 16.752, Diario Oficial, febrero 17, 1968, Título II</i> )  Decree 34 of the Ministry of National Defence, Official Gazette, February 10, 1968 ( <i>Decreto 34 del Ministerio de Defensa Nacional, Diario Oficial, febrero 10, 1968</i> )  Supreme Decree 102 of the Ministry of Transport and Telecommunications, Official Gazette, June 17, 1981 ( <i>Decreto Supremo 102 del Ministerio de Transportes y Telecomunicaciones, Diario Oficial, junio 17, 1981</i> )

Supreme Decree 172 of the Ministry of National Defence, Official Gazette, March 5, 1974 (*Decreto Supremo 172 del Ministerio de Defensa Nacional, Diario Oficial, marzo 5, 1974*)

Supreme Decree 37 of the Ministry of National Defence, Official Gazette, December 10, 1991 (*Decreto Supremo 37 del Ministerio de Defensa Nacional, Diario Oficial, diciembre 10, 1991*)

Decree 234 of the Ministry of National Defence, Official Gazette, June 19, 1971 (*Decreto 234 del Ministerio de Defensa Nacional, Diario Oficial, junio 19, 1971*)

**Description:**

Investment and Cross-Border Trade in Services

Only a Chilean natural or juridical person may register an aircraft in Chile. Such juridical person must be constituted in Chile with principal domicile and real and effective seat in Chile. In addition, a majority of its ownership must be held by Chilean natural or juridical persons, which in turn must comply with the aforementioned requisites.

The president, manager, majority of directors and/or administrators of the juridical person must be Chilean natural persons.

A foreign registered private aircraft engaged in non-commercial activities may not remain in Chile more than 30 days from its date of entry into Chile, unless authorised by the General Directorate for Civil Aeronautics (*Dirección General de Aeronáutica Civil*). For greater certainty, this measure shall not apply to specialty air services as defined in Article 9.1(l) (Definitions, Cross-Border Trade in Services Chapter), except for glider towing and parachute jumping.

In order to work as crew members on aircraft used by a Chilean aviation company, foreign aviation personnel shall be required first to obtain a Chilean licence with the appropriate permits enabling them to discharge the pertinent duties.

Foreign aviation personnel shall be allowed to work in that capacity in Chile provided that Chilean civil aviation authorities validate the licence or authorisation granted by a foreign country. In the absence of an international agreement regulating such validation, the licence or authorisation shall be granted under conditions of reciprocity. In that case, proof shall be submitted showing that the licences or authorisations were issued or

validated by the pertinent authorities in the country where the aircraft is registered, that the documents are in force, and that the requirements for issuing or validating such licences and authorisations meet or exceed the standards required in Chile for analogous cases.

Air transportation services may be provided by Chilean or foreign companies subject to the condition that, along the routes in which they operate, foreigners grant similar rights to Chilean aviation companies when so requested. The Civil Aviation Board (*Junta de Aeronáutica Civil*), by means of a substantiated resolution (*resolución fundada*), may terminate, suspend or limit domestic traffic services (*cabotage*) or any other class of commercial aviation services carried out solely in Chilean territory by foreign companies or aircraft if in their country of origin the right to equal treatment for Chilean companies and aircraft is denied.

Foreign civil aircraft not engaging in commercial transport activities or non-scheduled commercial air transport intending to enter Chilean territory, including its territorial waters, to fly over Chile, and to make stop-overs for non-commercial purposes, shall be required to notify the General Directorate for Civil Aeronautics at least 24 hours in advance. Commercial traffic aircraft not operating on a regular basis shall not be allowed to carry passengers, cargo or mail in Chilean territory without prior authorisation by the Civil Aviation Board (*Junta de Aeronáutica Civil*).

<b>Sector:</b>	Transportation
<b>Sub-Sector:</b>	Water Transport Services and Shipping
<b>Industry Classification:</b>	CPC 721      Transport services by sea-going vessels CPC 722      Transport services by non-sea-going vessels
<b>Obligations Concerned:</b>	National Treatment (Articles 9.3 and 10.3) Most-Favoured-Nation Treatment (Articles 9.4 and 10.4) Senior Management and Boards of Directors (Article 10.8) Local Presence (Article 9.6)
<b>Level of Government:</b>	Central
<b>Measures</b>	Decree Law 3.059, Official Gazette, December 22, 1979, Merchant Fleet Promotion Law, Titles I and II ( <i>Decreto Ley 3.059, Diario Oficial, diciembre 22, 1979, Ley de Fomento a la Marina Mercante, Títulos I y II</i> )  Supreme Decree 24, Official Gazette, March 10, 1986, Act of Decree Law 3.059, Titles I and II ( <i>Decreto Supremo 24, Diario Oficial, marzo 10, 1986, Reglamento del Decreto Ley 3.059, Títulos I y II</i> )  Decree Law 2.222, Official Gazette, May 31, 1978, Navigation Law, Titles I, II, III, IV and V ( <i>Decreto Ley 2.222, Diario Oficial, mayo 31, 1978, Ley de Navegación, Títulos I, II, III, IV y V</i> )  Supreme Decree 153, Official Gazette, March 11, 1966, Approves the Sea People, Fluvial and Lacustrine Personnel Registration General Act ( <i>Decreto Supremo 153, Diario Oficial, marzo 11, 1966, Aprueba el Reglamento General de Matrícula del Personal de Gente de Mar, Fluvial y Lacustre</i> )  Code of Commerce, Book III, Titles I, IV and V ( <i>Código de Comercio, Libro III, Títulos I, IV y V</i> )  Law 19.420, Official Gazette, October 23, 1995, Establishes

incentives for the economic development of the Provinces of Arica and Parinacota, and modifies the legal bodies indicated therein, Title Various Provisions (*Ley 19.420, Diario Oficial, octubre 23, 1995, Establece incentivos para el desarrollo económico de las provincias de Arica y Parinacota y modifica cuerpos legales que indica, Título Disposiciones Varias*)

**Description:** Investment and Cross-Border Trade in Services

Only a Chilean natural or juridical person may register a vessel in Chile. Such juridical person must be constituted with principal domicile and real and effective seat in Chile. The president, manager and majority of the directors or administrators must be Chilean natural persons. In addition, more than 50 per cent of its capital must be held by Chilean natural or juridical persons. For these purposes, a juridical person with ownership participation in another juridical person that owns a vessel has to comply with all the aforementioned requisites.

A joint ownership (*comunidad*) may register a vessel if (1) the majority of the joint ownership is Chilean with domicile and residency in Chile; (2) the administrators are Chileans; and (3) the majority of the rights of the joint ownership belong to a Chilean natural or juridical person. For these purposes, a juridical person with ownership participation in a joint ownership (*comunidad*) that owns a vessel has to comply with all the aforementioned requisites to be considered Chilean.

Special vessels owned by foreign natural or juridical persons domiciled in Chile may under certain conditions be registered in the country. For these purposes, a special vessel does not include a fishing vessel. Foreign natural or juridical persons must meet the following conditions: (1) domicile in Chile; (2) principal head office in Chile; or (3) undertaking a profession or commercial activity in a permanent way in Chile. The maritime authority may, for reasons of national security, impose certain special restrictions on the operation of these vessels.

The maritime authority may provide better treatment based on the principle of reciprocity.

Foreign vessels shall be required to use pilotage, anchoring and harbour pilotage services when the maritime authorities so require. In tugging activities or other manoeuvres performed in Chilean ports, only tugboats flying the Chilean flag shall be used.

Captains shall be required to be Chilean nationals and to be

acknowledged as such by the pertinent authorities. Officers on Chilean vessels must be Chilean natural persons registered in the Officers' Registry (*Registro de oficiales*). Crewmembers of a Chilean vessel must be Chilean, have the permit granted by the Maritime Authority (*Autoridad Marítima*) and be registered in the respective Registry. Professional titles and licences granted by a foreign country shall be considered valid for the discharge of officers' duties on national vessels pursuant to a substantiated resolution (*resolución fundada*) issued by the Director of the Maritime Authority.

Ship captains (*patrón de nave*) shall be Chilean nationals. A ship captain is a natural person who, pursuant to the corresponding title awarded by the Director of the Maritime Authority, is empowered to exercise command on smaller vessels and on certain special larger vessels.

Only Chilean nationals, or foreigners with domicile in Chile, shall be authorised to act as fishing boat captains (*patrones de Pesca*), machinists (*mecánicos-motoristas*), machine operators (*motoristas*), sea-faring fishermen (*marineros pescadores*), small-scale fishermen (*pescadores*), industrial or maritime trade technical employees or workers, and industrial and general ship service crews on fishing factories or fishing boats when so requested by ship operators (*armadores*) in order to initiate such work.

In order to fly the national flag, the ship captain (*patrón de nave*), officers and crew must be Chilean nationals. Nevertheless, the General Directorate for the Maritime Territory and Merchant Fleet (*Dirección General del Territorio Marítimo y de Marina Mercante*), on the basis of a substantiated resolution (*resolución fundada*), may authorise the hiring of foreign personnel, on a temporary basis if essential, with the exception of the captain, who, at all times, must be a Chilean national.

Only a Chilean natural or juridical person shall be authorised to work in Chile as a multimodal operator.

Cabotage shall be reserved for Chilean vessels. Cabotage shall include the ocean, river or lake shipping of passengers and cargo between different points of the national territory and between such points and naval artifacts installed in territorial waters or in the exclusive economic zone.

Foreign merchant vessels may be able to participate in cabotage

when cargo volumes exceed 900 tons, following a public tender called by the user with due anticipation. When the cargo volumes involved are equal to or less than 900 tons, and no vessels flying the Chilean flag are available, the Maritime Authority shall authorise embarking such cargo on foreign merchant vessels. The reservation of coastal trade to Chilean vessels shall not apply in the event of cargo coming from or destined for ports located in the Province of Arica (*Provincia de Arica*).

In the event that Chile should adopt, for reasons of reciprocity, a cargo reservation measure applicable to international cargo transportation between Chile and a non-Party, the reserved cargo shall be transported in Chilean-flag vessels or in vessels considered as such.

<b>Sector:</b>	Transportation
<b>Sub-Sector:</b>	Water Transport Services and Shipping
<b>Industry Classification:</b>	CPC 721 Transport services by sea-going vessels CPC 722 Transport services by non-sea-going vessels
<b>Obligations Concerned:</b>	National Treatment (Articles 9.3 and 10.3) Senior Management and Boards of Directors (Article 10.8) Local Presence (Article 9.6)
<b>Level of Government:</b>	Central
<b>Measures</b>	Code of Commerce, Book III, Titles I, IV and V ( <i>Código de Comercio, Libro III, Títulos I, IV y V</i> )  Decree Law 2.222, Official Gazette, May 31, 1978, Navigation Law, Titles I, II and IV ( <i>Decreto Ley 2.222, Diario Oficial, mayo 31, 1978, Ley de Navegación, Títulos I, II y IV</i> )  Decree 90 of the Ministry of Labour and Social Welfare, Official Gazette, January 21, 2000 ( <i>Decreto 90 del Ministerio de Trabajo y Previsión Social, Diario Oficial, enero 21, 2000</i> )  Decree 49 of the Ministry of Labour and Social Welfare, July 16, 1999 ( <i>Decreto 49 del Ministerio de Trabajo y Previsión Social, Diario Oficial, julio 16, 1999</i> )  Labour Code, Book I, Title II, Chapter III, paragraph 2 ( <i>Código del Trabajo, Libro I, Título II, Capítulo III, párrafo 2º</i> )
<b>Description:</b>	<u>Investment and Cross-Border Trade in Services</u>  Shipping agents or representatives of ship operators, owners or captains, whether they are natural or juridical persons, shall be required to be Chilean.  Work of stowage and dockage performed by natural persons is reserved to Chileans who are duly accredited by the

corresponding authority to carry out such work and have an office established in Chile.

Whenever these activities are carried out by juridical persons, they must be legally constituted in Chile and have their principal domicile in Chile. The chairman, administrators, managers or directors must be Chilean. At least 50 per cent of the corporate capital must be held by Chilean natural or juridical persons. Such enterprises shall designate one or more empowered agents, who will act in their representation and who shall be Chilean nationals.

Harbour workers shall pass a basic course on harbour security in a Technical Execution Office (*Organismo Técnico de Ejecución*) authorised by the National Bureau for Training and Employment (*Servicio Nacional de Capacitación y Empleo*), according to the norms established in the respective regulation.

Anyone unloading, transshipping and, generally, using continental or insular Chilean ports, particularly for landing fish catches or processing fish catches on board, shall also be required to be a Chilean natural or juridical person.

<b>Sector:</b>	Transportation
<b>Sub-Sector:</b>	Land Transportation
<b>Industry Classification:</b>	CPC 712 Other land transport services
<b>Obligations Concerned:</b>	National Treatment (Article 9.3) Most-Favoured-Nation Treatment (Article 9.4) Local Presence (Article 9.6)
<b>Level of Government:</b>	Central
<b>Measures</b>	Supreme Decree 212 of the Ministry of Transport and Telecommunications, Official Gazette, November 21, 1992 ( <i>Decreto Supremo 212 del Ministerio de Transportes y Telecomunicaciones, Diario Oficial, noviembre 21, 1992</i> )  Decree 163 of the Ministry of Transport and Telecommunications, Official Gazette, January 4, 1985 ( <i>Decreto 163 del Ministerio de Transportes y Telecomunicaciones, Diario Oficial, enero 4, 1985</i> )  Supreme Decree 257 of the Ministry of Foreign Affairs, Official Gazette, October 17, 1991 ( <i>Decreto Supremo 257 del Ministerio de Relaciones Exteriores, Diario Oficial, octubre 17, 1991</i> )
<b>Description:</b>	<u>Cross-Border Trade in Services</u>  Land transportation service providers shall register in the National Registry by submitting an application to the Regional Secretary of Transport and Telecommunications ( <i>Secretaría Regional Ministerial del Ministerio de Transportes y Telecomunicaciones</i> ). In the case of urban services, applicants shall submit the application to the Regional Secretary responsible for the area in which the service is to be provided and, in the case of rural and interurban services, in the region where the applicant is domiciled. The application shall provide the detailed information required by law, attaching thereto, among other documents, a properly certified photocopy of the National

Identity Card and, in the case of juridical persons, the public instruments accrediting its constitution and name and the domicile of its legal representative and documents evidencing such capacity.

Foreign natural and juridical persons qualified to provide international transportation services in Chilean territory cannot provide local transportation services or participate in any manner whatsoever in the said activities in the national territory.

Only companies with actual and effective domicile in Chile and organised under the laws of Chile, Argentina, Bolivia, Brazil, Peru, Uruguay or Paraguay shall be authorised to provide international land transportation services between Chile and Argentina, Bolivia, Brazil, Peru, Uruguay or Paraguay. Furthermore, to obtain an international land transport permit, in the case of foreign juridical persons, more than 50 per cent of its corporate capital and effective control shall be held by nationals of Chile, Argentina, Bolivia, Brazil, Peru, Uruguay or Paraguay.

<b>Sector:</b>	Transportation
<b>Sub-Sector:</b>	Land Transportation
<b>Industry Classification:</b>	CPC 712 Other land transport services
<b>Obligations Concerned:</b>	National Treatment (Article 9.3) Most-Favoured-Nation Treatment (Article 9.4)
<b>Level of Government:</b>	Central
<b>Measures</b>	Law 18.290, Official Gazette, February 7, 1984, Title IV ( <i>Ley 18.290, Diario Oficial, febrero 7, 1984, Título IV</i> )  Supreme Decree 485 of the Ministry of Foreign Affairs, Official Gazette, September 7, 1960, Geneva Convention ( <i>Decreto Supremo 485 del Ministerio de Relaciones Exteriores, Diario Oficial, septiembre 7, 1960, Convención de Ginebra</i> )
<b>Description:</b>	<u>Cross-Border Trade in Services</u>  Motor vehicles bearing foreign licence plates that enter Chile on a temporary basis, pursuant to provisions set forth in the 1949 Geneva Convention on Road Traffic, shall circulate freely throughout the national territory for the period established therein, provided that they comply with the requirements established by Chilean law.  Holders of valid international driving licences or certificates issued in a foreign country in accordance with the Geneva Convention may drive anywhere within the national territory. The driver of a vehicle bearing foreign licence plates who holds an international driver's licence shall present, upon request by the authorities, the documents certifying both the roadworthiness of the vehicle and the use and validity of his or her personal documents.