

ANNEX XI

REFERRED TO IN ARTICLE 38(2)

REGARDING CURRENT PAYMENTS AND CAPITAL
MOVEMENTS

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With respect to its obligations under Articles 39 and 40 of this Agreement, Chile reserves:

1. The right, without prejudice to paragraph 3 of this Annex, to maintain existing requirements that transfers from Chile of proceeds from the sale of all or any part of an investment of an investor of an EFTA State or from the partial or complete liquidation of the investment may not take place until a period not to exceed:

- (i) in the case of an investment made pursuant to Decree Law 600, Foreign Investment Statute (Decreto Ley 600, Estatuto de la Inversion Extranjera), one year has elapsed from the date of transfer to Chile, or
- (ii) in the case of an investment made pursuant to Law 18.657, Foreign Capital Investment Fund Law (Ley 18.657, Ley Sobre Fondo de Inversiones de Capitales Extranjeros), five years have elapsed from the date of transfer to Chile, and

2. The right to adopt measures, consistent with Articles 39 and 40 and this Annex, establishing future special voluntary investment programs in addition to the general regime for foreign investment in Chile, except that any such measures may restrict transfers from Chile of proceeds from the sale of all or any part of an investment of an investor of an EFTA State or from the partial or complete liquidation of the investment for a period not to exceed five years from the date of transfer to Chile.

3. The right of the Central Bank of Chile to maintain or adopt measures in conformity with the Constitutional Organic Law of the Central Bank of Chile (Ley Orgánica Constitucional del Banco Central de Chile, Ley 18.840" (hereinafter, "Law 18.840") or other legislation, in order to ensure currency stability and the normal operation of domestic and foreign payments. For this purpose, the Central Bank of Chile is empowered to regulate the supply of money and credit in circulation and international credit and foreign exchange operations. The Central Bank of Chile is empowered as well to issue regulations governing monetary, credit, financial, and foreign exchange matters. Such measures include, inter alia, the establishment of restrictions or limitations on current payments and transfers (capital movements) to or from Chile, as well as transactions related to them, such as requiring that deposits, investments or credits from or to a foreign country, be subject to a reserve requirement ("encaje").

Notwithstanding the above, the reserve requirement that the Central Bank of Chile can apply pursuant to Article 49 No. 2 of Law 18.840, shall not exceed 30 percent of the amount transferred and shall not be imposed for a period which exceeds two years.

4. When applying measures under this Annex, Chile, as established in its legislation, shall not discriminate between EFTA States and any third country with respect to transactions of the same nature.
