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PROPOSAL

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	5 July 2023
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2023) 435 final - ANNEX 2 - PART 2/2
Subject:	ANNEX to the Proposal for a Council Decision on the conclusion, on behalf of the European Union, of the Interim Agreement on Trade between the European Union and the Republic of Chile

Delegations will find attached document COM(2023) 435 final - ANNEX 2 - PART 2/2.

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EUROPEAN
COMMISSION

Brussels, 5.7.2023
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ANNEX 2 – PART 2/2

ANNEX

to the

Proposal for a Council Decision

on the conclusion, on behalf of the European Union, of the Interim Agreement on Trade between the European Union and the Republic of Chile

ANNEX 3-A

INTRODUCTORY NOTES TO PRODUCT-SPECIFIC RULES OF ORIGIN

Note 1
General principles

1. This Annex sets out the general rules for the applicable requirements of Annex 3-B provided for in subparagraph (c) of Article 3.2(1).

2. For the purposes of this Annex and Annex 3-B, the requirements for a product to be originating in accordance with subparagraph (c) of Article 3.2(1) are a change in tariff classification, a production process, a maximum value of non-originating materials, or any other requirement specified in this Annex or Annex 3-B.

3. Reference to weight in a product-specific rule of origin means the net weight, which is the weight of a material or a product, not including the weight of packaging.

4. This Annex and Annex 3-B are based on the Harmonized System, as amended on 1 January 2022.

Note 2

The structure of Annex 3-B

1. Notes on Sections or Chapters, where applicable, are read in conjunction with the product specific rules of origin for the relevant Section, Chapter, heading or subheading.

2. Each product-specific rule of origin set out in Column 2 of Annex 3-B applies to the corresponding product identified in Column 1 of that Annex.

3. If a product is subject to alternative product-specific rules of origin, the product shall be originating if it satisfies one of the alternatives. If a product is subject to a product-specific rule of origin that includes multiple requirements, the product shall be originating only if it satisfies all of the requirements.

4. For the purposes of this Annex and Annex 3-B:

(a) "Section" means a section of the Harmonized System;

(b) "Chapter" means the first two-digits in the tariff classification number under the Harmonized System;

(c) "heading" means the first four-digits in the tariff classification number under the Harmonized System;

(d) "subheading" means the first six-digits in the tariff classification number under the Harmonized System.

5. For the purposes of product-specific rules of origin, the following abbreviations apply[1]:

(a) "CC" means production from non-originating materials of any Chapter, except that of the product, or a change to the Chapter, heading or subheading from any other Chapter; this means that all non-originating materials used in the production of the product must undergo a change in tariff classification at the 2-digit level (i.e. a change in Chapter) of the Harmonized System;

(b) "CTH" means production from non-originating materials of any heading, except that of the product, or a change to the Chapter, heading or subheading from any other heading; this means that all non-originating materials used in the production of the product must undergo a change in tariff classification at the 4-digit level (i.e. a change in heading) of the Harmonized System;

(c) "CTSH" means production from non-originating materials of any subheading, except that of the product, or a change to the Chapter, heading or subheading from any other subheading; this means that all non-originating materials used in the production of the product must undergo a change in tariff classification at the 6-digit level (i.e. a change in sub-heading) of the Harmonized System; and

[1] For greater certainty, if a requirement of a change in tariff classification provides for exception for a change from certain Chapters, headings or subheadings, none of the non-originating materials of those Chapters, headings or subheadings may be used, individually or jointly.

(d) "production from non-originating materials of any heading" means that the working or processing from non-originating materials is more than insufficient.

Note 3

Application of Annex 3-B

1. Article 3.2(2), concerning products having acquired originating status which are incorporated as a material in another product, applies irrespective of whether or not that status has been acquired inside the same factory in a Party where those products are used.

2. If a product-specific rule of origin provides that a specified non-originating material shall not be used or that the value or weight of a specified non-originating material cannot exceed a specific threshold, those requirements do not apply to non-originating materials classified elsewhere in the Harmonized System.

3. If a product-specific rule of origin provides that a product shall be produced from a particular material, this does not prevent the use of other materials if these cannot satisfy the requirement because of their inherent nature.

Note 4

Calculation of a maximum value of non-originating materials

1. For the purposes of this Annex and Annex 3-B:

(a) "customs value" means the value as determined in accordance with the Agreement on implementation of Article VII of the General Agreement on Tariffs and Trade 1994;

(b) "EXW" means the price paid for the product ex-works to the manufacturer in whose undertaking the last working or processing is carried out, provided that the price includes the value of all the materials used and all other costs related to its production, minus any internal taxes which are, or may be, repaid when the product obtained is exported;

(c) "MaxNOM" means the maximum value of non-originating materials expressed as a percentage; and

(d) "VNM" means the value of non-originating materials used to manufacture the product, and which is its customs value at the time of importation including freight, insurance, where appropriate, packing and all the other costs incurred in transporting the materials to the importation port in the Party where the producer of the product is located; where that customs value is not known and cannot be ascertained, the first ascertainable price paid for the non-originating materials in either Party is used; the value of the non-originating materials used in the production of the product may be calculated on the basis of the weighted average value formula or other stock valuation method under accounting principles which are generally accepted in the Party's territory;

Where the actual price paid does not reflect all costs related to the manufacturing of the product which are actually incurred in the European Union or in Chile, the ex-works price means the sum of all those costs, minus any internal taxes which are, or may be, repaid when the product obtained is exported.

2. For the calculation of MaxNOM, the following formula applies:

$$\text{MaxNOM}(\%) = \frac{\text{VNM}}{\text{EXW}} \times 100$$

Note 5

Definitions of processes referred to in Sections V to VII of Annex 3-B

For the purposes of Sections V to VII of Annex 3-B:

(a) "biotechnological processing" means:

(i) biological or biotechnological culturing, including cell culture, hybridisation or genetic modification of micro-organisms, bacteria, viruses, including phages, or human, animal or plant cells; or

(ii) production, isolation or purification of cellular or intercellular structures, such as isolated genes, gene fragments and plasmids, or fermentation;

(b) "change in particle size" means the deliberate and controlled modification in particle size of a product, other than by merely crushing or pressing, resulting in a product with a defined particle size, defined particle size distribution or defined surface area, which is relevant to the purposes of the resulting product and with physical or chemical characteristics different from those of the input materials;

(c) "chemical reaction" means a process, including a biochemical processing, which results in a molecule with a new structure by breaking intramolecular bonds and by forming new intramolecular bonds, or by altering the spatial arrangement of atoms in a molecule, with the exception of the following, which are not considered to be chemical reactions for the purpose of this definition:

(i) dissolving in water or other solvents;

(ii) the elimination of solvents including solvent water; or

(iii) the addition or elimination of water of crystallisation;

(d) "distillation" means:

(i) atmospheric distillation: a separation process in which petroleum oils are converted, in a distillation tower, into fractions according to boiling point and the vapour then condensed into different liquefied fractions; products produced from petroleum distillation may include liquefied petroleum gas, naphtha, gasoline, kerosene, diesel or heating oil, light gas oils and lubricating oil; or

(ii) vacuum distillation: distillation at a pressure below atmospheric but not so low that it would be classed as molecular distillation; vacuum distillation is used for distilling high-boiling and heat-sensitive materials such as heavy distillates in petroleum oils to produce light to heavy vacuum gas oils and residuum;

(e) "isomer separation" means the isolation or separation of isomers from a mixture of isomers;

(f) "mixing and blending" means the deliberate and proportionally controlled mixing or blending, including dispersing, of materials, other than the addition of diluents, only to conform to predetermined specifications which results in the production of a product having physical or chemical characteristics that are relevant to the purposes or uses of the product and are different from the input materials;

(g) "production of standard materials including standard solutions" means a production of a preparation suitable for analytical, calibrating or referencing uses with precise degrees of purity or proportions certified by the manufacturer;

(h) "purification" means a process which results in the elimination of at least 80 % of the content of existing impurities or the reduction or elimination of impurities resulting in a product suitable for one or more of the following applications:

(i) pharmaceutical, medicinal, cosmetic, veterinary, or food grade substances;

(ii) chemical products and reagents for analytical, diagnostic or laboratory uses;

(iii) elements and components for use in micro-elements;

(iv) specialised optical uses;

(v) non-toxic uses for health and safety;

(vi) biotechnical use;

(vii) carriers used in a separation process; or

(viii) nuclear grade uses.

Note 6

Definitions of terms used in Section XI of Annex 3-B

For the purposes of Section XI of Annex 3-B:

(a) "man-made staple fibres" means synthetic or artificial filament tow, staple fibres or waste, of headings 55.01 to 55.07;

(b) "natural fibres" means fibres other than synthetic or artificial fibres. Their use is restricted to the stages before spinning takes place, including waste, and, unless otherwise specified, includes fibres which have been carded, combed or otherwise processed, but not spun; "natural fibres" includes horsehair of heading 05.11, silk of headings 50.02 and 50.03, wool-fibres and fine or coarse animal hair of headings 51.01 to 51.05, cotton fibres of headings 52.01 to 52.03, and other vegetable fibres of headings 53.01 to 53.05;

(c) "printing" means a technique by which an objectively assessed function, such as colour, design, or technical performance, is given to a textile substrate with a permanent character, using screen, roller, digital or transfer techniques; and

(d) "printing (as standalone operation)" means a technique by which an objectively assessed function, such as colour, design, or technical performance, is given to a textile substrate with a permanent character, using screen, roller, digital or transfer techniques combined with at least two preparatory or finishing operations, such as scouring, bleaching, mercerizing, heat setting, raising, calendaring, shrink resistance processing, permanent finishing, decatising, impregnating, mending and burling, shearing, singeing, process of air-tumbler, process of stenter, milling, steam and shrinking, and wet decatising, provided that the value of all the non-originating materials used does not exceed 50 % of the EXW of the product.

Note 7

Tolerances applicable to products containing two or more basic textile materials

1. For the purposes of this Note, basic textile materials are the following:

(a) silk;

(b) wool;

(c) coarse animal hair;

(d) fine animal hair;

(e) horsehair;

(f) cotton;

(g) paper-making materials and paper;

(h) flax;

(i) true hemp;

(j) jute and other textile bast fibres;

(k) sisal and other textile fibres of the genus *Agave*;

(l) coconut, abaca, ramie and other vegetable textile fibres;

(m) synthetic man-made filaments;

(n) artificial man-made filaments;

(o) current-conducting filaments;

(p) synthetic man-made staple fibres of polypropylene;

(q) synthetic man-made staple fibres of polyester;

(r) synthetic man-made staple fibres of polyamide;

(s) synthetic man-made staple fibres of polyacrylonitrile;

(t) synthetic man-made staple fibres of polyimide;

(u) synthetic man-made staple fibres of polytetrafluoroethylene;

(v) synthetic man-made staple fibres of poly (phenylene sulphide);

(w) synthetic man-made staple fibres of poly (vinyl chloride);

(x) other synthetic man-made staple fibres;

(y) artificial man-made staple fibres of viscose;

(z) other artificial man-made staple fibres;

(aa) yarn made of polyurethane segmented with flexible segments of polyether, whether or not gimped;

(bb) yarn made of polyurethane segmented with flexible segments of polyester whether or not gimped;

(cc) products of heading 56.05 (metallised yarn) incorporating strip consisting of a core of aluminium foil or of a core of plastic film irrespective of whether or not coated with aluminium powder, of a width not exceeding 5 mm, sandwiched by means of a transparent or coloured adhesive between two layers of plastic film;

(dd) other products of heading 56.05;

(ee) glass fibres; and

(ff) metal fibres.

2. Where reference to this Note is made in Annex 3-B, the requirements set out in its Column 2 shall not apply, as a tolerance, to non-originating basic textile materials which are used in the manufacture of a product, provided that:

(a) the product contains two or more basic textile materials; and

(b) the weight of the non-originating basic textile materials, taken together, does not exceed 10 % of the total weight of all the basic textile materials used; for example:

for a woollen fabric of heading 51.12 containing woollen yarn of heading 51.07, synthetic yarn of staple fibres of heading 55.09 and materials other than basic textile materials, non-originating woollen yarn which does not satisfy the requirement set out in Annex 3-B, or non-originating synthetic yarn which does not satisfy the requirement set out in Annex 3-B, or a combination of both, may be used, provided that their total weight does not exceed 10 % of the weight of all the basic textile materials.

3. Notwithstanding subparagraph (b) of paragraph 2, for products containing yarn made of polyurethane segmented with flexible segments of polyether, whether or not gimped, the maximum tolerance is 20 %. However, the percentage of the other non-originating basic textile materials shall not exceed 10 %.

4. Notwithstanding subparagraph (b) of paragraph 2, for products containing strip consisting of a core of aluminium foil or of a core of plastic film irrespective of whether or not coated with aluminium powder, of a width not exceeding 5 mm, sandwiched by means of a transparent or coloured adhesive between two layers of plastic film, the maximum tolerance is 30 %. However, the percentage of the other non-originating basic textile materials shall not exceed 10 %.

Note 8

Other tolerances applicable to certain textile products

1. Where reference to this Note is made in Annex 3-B, non-originating textile materials, with the exception of linings and interlinings, which do not satisfy the requirements set out in its Column 2 for a made-up textile product may be used, provided that they are classified in a heading other than that of the product and that their value does not exceed 8 % of the EXW of the product.

2. Non-originating materials which are not classified in Chapters 50 to 63 of the Harmonized System may be used without restriction in the manufacture of textile products classified in Chapters 61 to 63 of the Harmonized System, whether or not they contain textiles. For example:

if a requirement set out in Annex 3-B provides that yarn shall be used, for a certain textile item, such as trousers, this does not prevent the use of non-originating metal items, such as buttons, because metal items are not classified in Chapters 50 to 63 of the Harmonized System; for the same reasons, it does not prevent the use of non-originating slide fasteners, even though slide-fasteners normally contain textiles.

3. Where a requirement set out in Annex 3-B consists in a maximum value of non-originating materials, the value of the non-originating materials which are not classified in Chapters 50 to 63 of the Harmonized System shall be taken into account in the calculation of the value of the non-originating materials.

Note 9

Agricultural products

1. Agricultural products classified in Chapters 6, 7, 8, 9, 10, 12 and heading 24.01 of the Harmonized System which are grown or harvested in the territory of a Party shall be treated as originating in the territory of that Party, even if grown from seeds, bulbs, rootstock, cuttings, slips, grafts, shoots, buds, or other live parts of plants imported from another country.

2. Notwithstanding Article 3.5, for products classified in subheadings 1602.31, 1602.32, 1602.41 and 1602.50 of the Harmonized System the value set out in subparagraph (a) of Article 3.5(1) shall not exceed 15 % of the ex-works price of the product.

ANNEX 3-B

PRODUCT-SPECIFIC RULES OF ORIGIN

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
SECTION I	LIVE ANIMALS; ANIMAL PRODUCTS
Chapter 1	Live animals
01.01-01.06	All animals of Chapter 1 are wholly obtained.
Chapter 2	Meat and edible meat offal
02.01-02.10	Manufacture in which all the materials of Chapters 1 and 2 used are wholly obtained.
Chapter 3	Fish and crustaceans, molluscs and other aquatic invertebrates
03.01-03.09	Manufacture in which all the materials of Chapter 3 used are wholly obtained.
Chapter 4	Dairy produce; birds' eggs; natural honey; edible products of animal origin, not elsewhere specified or included
04.01-04.10	Manufacture in which: - all the materials of Chapter 4 used are wholly obtained; - and the total weight of non-originating materials of headings 17.01 and 17.02 does not exceed 20 % of the weight of the product.

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
Chapter 5	Products of animal origin, not elsewhere specified or included
05.01-05.11	Manufacture from non-originating materials of any heading.
SECTION II	VEGETABLE PRODUCTS
Chapter 6	Live trees and other plants; bulbs, roots and the like; cut flowers and ornamental foliage
06.01-06.04	Manufacture in which all the materials of Chapter 6 used are wholly obtained.
Chapter 7	Edible vegetables and certain roots and tubers
07.01-07.14	Manufacture in which all the materials of Chapter 7 used are wholly obtained.
Chapter 8	Edible fruit and nuts; peel of citrus fruit or melons
08.01-08.14	Manufacture in which: - all the materials of Chapter 8 used are wholly obtained; and - the total weight of non-originating materials of headings 17.01 and 17.02 does not exceed 20 % of the weight of the product.
Chapter 9	Coffee, tea, maté and spices
09.01-09.10	Manufacture from non-originating materials of any heading.
Chapter 10	Cereals
10.01-10.08	Manufacture in which all the materials of Chapter 10 used are wholly obtained.

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
Chapter 11	Products of the milling industry; malt; starches; inulin; wheat gluten
11.01-11.09	Manufacture in which all non-originating materials of Chapters 10 and 11, headings 07.01, 07.14, 23.02 through 23.03 or subheading 0710.10 used are wholly obtained.
Chapter 12	Oil seeds and oleaginous fruits; miscellaneous grains, seeds and fruit; industrial or medicinal plants; straw and fodder
1201.10-1207.91	CTH
1207.99	
- Chia seeds	Manufacture from non-originating materials of any heading;
- Others	CTH
12.08-12.14	CTH
Chapter 13	Lac; gums, resins and other vegetable saps and extracts
1301.20-1302.39	Manufacture from non-originating materials of any heading in which: - the total weight of non-originating materials of headings 17.01 and 17.02 does not exceed 20 % of the weight of the product.
Chapter 14	Vegetable plaiting materials; vegetable products not elsewhere specified or included
14.01-14.04	Manufacture from non-originating materials of any heading.

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
SECTION III	ANIMAL, VEGETABLE OR MICROBIAL FATS AND OILS AND THEIR CLEAVAGE PRODUCTS; PREPARED EDIBLE FATS; ANIMAL OR VEGETABLE WAXES
Chapter 15	Animal, vegetable or microbial fats and oils and their cleavage products; prepared edible fats; animal or vegetable waxes
15.01-15.04	CTH
15.05-15.06	Manufacture from non-originating materials of any heading.
15.07-15.08	CTSH
15.09-15.10	Manufacture in which all the vegetable materials used are wholly obtained.
15.11-15.15	CTSH
15.16-15.17	CTH
15.18	CTSH
15.20	Manufacture of non-originating materials of any heading.
15.21-15.22	CTSH
SECTION IV	PREPARED FOODSTUFFS; BEVERAGES, SPIRITS AND VINEGAR; TOBACCO AND MANUFACTURED TOBACCO SUBSTITUTES; PRODUCTS, WHETHER OR NOT CONTAINING NICOTINE, INTENDED FOR INHALATION WITHOUT COMBUSTION; OTHER NICOTINE CONTAINING PRODUCTS INTENDED FOR THE INTAKE OF NICOTINE INTO THE HUMAN BODY
Chapter 16	Preparations of meat, of fish, of crustaceans, molluscs or other aquatic invertebrates, or of insects
16.01-16.05	Production in which all the materials of Chapters 1, 2, 3 and 16 used are wholly obtained.

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
Chapter 17	Sugars and sugar confectionery
17.01	CTH
17.02	CTH, provided that the total weight of non-originating materials of headings 11.01 to 11.08, 17.01 and 17.03 used does not exceed 20 % of the weight of the product.
17.03	CTH
17.04	CTH, provided that the total weight of non-originating materials of headings 17.01 and 17.02 used does not exceed 40 % of the weight of the product.
Chapter 18	Cocoa and cocoa preparations
18.01-18.05	CTH
18.06	CTH, provided that the total weight of non-originating materials of headings 17.01 and 17.02 used does not exceed 40 % of the weight of the product.
Chapter 19	Preparations of cereals, flour, starch or milk; pastrycooks' products
19.01-19.05	CTH, provided that: - the weight of non-originating materials of Chapters 2, 3 and 16 used does not exceed 20 % of the weight of the product; - the total weight of non-originating materials of headings 10.06 and 11.01 to 11.08 used does not exceed 20 % of the weight of the product; - the total weight of non-originating materials of headings 17.01 and 17.02 used does not exceed 20 % of the weight of the product; and - the weight of non-originating materials of Chapter 4 used does not exceed 20 % of the weight of the product.

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
Chapter 20	Preparations of vegetables, fruit, nuts or other parts of plants
20.01	CTH
20.02-20.03	Manufacture in which all the materials of Chapter 7 used are wholly obtained.
20.04-20.07	CTH, provided that the total weight of non-originating materials of headings 17.01 and 17.02 used does not exceed 40 % of the weight of the product.
2008.11-2008.93	CTH, provided that the total weight of non-originating materials of headings 17.01 and 17.02 used does not exceed 40 % of the weight of the product.
2008.97	CTH provided that the total weight of non-originating materials of headings 17.01 and 17.02 used does not exceed 40 % of the weight of the product; however non-originating pineapple preparations of sub-heading 2008.20 may be used.
2008.99-2009.90	CTH, provided that the total weight of non-originating materials of headings 17.01 and 17.02 used does not exceed 40 % of the weight of the product.
Chapter 21	Miscellaneous edible preparations
21.01-21.02	CTH, provided that: - the weight of non-originating materials of Chapter 4 used does not exceed 20 % of the weight of the product; and - the total weight of non-originating materials of headings 17.01 and 17.02 used does not exceed 20 % of the weight of the product
2103.10 2103.20 2103.90	CTH; however, non-originating mustard flour or meal or prepared mustard may be used.

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
2103.30	Manufacture from non-originating materials of any heading.
21.04-21.06	CTH, provided that: - the weight of non-originating materials of Chapter 4 used does not exceed 20 % of the weight of the product; and - the total weight of non-originating materials of headings 17.01 and 17.02 used does not exceed 20 % of the weight of the product.
Chapter 22	Beverages, spirits and vinegar
22.01-22.06	CTH, except that of headings 22.07 and 22.08, provided that: - all the materials of subheadings 0806.10, 2009.61, 2009.69 used are wholly obtained; - the weight of non-originating materials of Chapter 4 used does not exceed 20 % of the weight of the product; and - the total weight of non-originating materials of headings 17.01 and 17.02 used does not exceed 20 % of the weight of the product.
22.07	CTH except from headings 22.07 and 22.08, provided that all the materials of Chapter 10, subheadings 0806.10, 2009.61 and 2009.69 used are wholly obtained.
22.08-22.09	CTH except from headings 22.07 and 22.08, provided that all the materials of subheadings 0806.10, 2009.61 and 2009.69 used are wholly obtained.
Chapter 23	Residues and waste from the food industries; prepared animal fodder
23.01	CTH
23.02-2303.10	CTH, provided that the weight of non-originating materials of Chapter 10 used does not exceed 20 % of the weight of the product.

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
2303.20-23.08	CTH
23.09	CTH, provided that: - all the materials of Chapters 2 and 3 used are wholly obtained; - the weight of non-originating materials of Chapter 4 used does not exceed 20 % of the weight of the product; - the total weight of non-originating materials of Chapters 10 and 11 and headings 23.02 and 23.03 used does not exceed 20 % of the weight of the product; and - the total weight of non-originating materials of headings 17.01 and 17.02 used does not exceed 20 % of the weight of the product.
Chapter 24	Tobacco and manufactured tobacco substitutes; products, whether or not containing nicotine, intended for inhalation without combustion; other nicotine containing products intended for the intake of nicotine into the human body
24.01	Manufacture in which all materials of heading 24.01 are wholly obtained.
2402.10	Manufacture from non-originating materials of any heading, provided that the weight of non-originating materials of heading 24.01 used does not exceed 40 % of the weight of materials of Chapter 24 used.
2402.20	Manufacture from non-originating materials of any heading, except that of the product and of smoking tobacco of subheading 2403.19, and in which at least 10 % by weight of all materials of heading 24.01 used is wholly obtained.

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
2402.90	Manufacture from non-originating materials of any heading, provided that the weight of non-originating materials of heading 24.01 used does not exceed 40 % of the weight of materials of Chapter 24 used.
2403.11-2404.19	CTH, in which at least 10 % by weight of all materials of heading 24.01 used is wholly obtained.
2404.91-2404.99	CTH
SECTION V	MINERAL PRODUCTS Section note: For definitions of horizontal processing rules within this Section, see Note 5 of Annex 3-A.
Chapter 25	Salt; sulphur; earths and stone; plastering materials, lime and cement
25.01-25.30	CTH; or MaxNOM 70 % (EXW).
Chapter 26	Ores, slag and ash
26.01-26.21	CTH
Chapter 27	Mineral fuels, mineral oils and products of their distillation; bituminous substances; mineral waxes
27.01-27.09	Manufacture from non-originating materials of any heading.
27.10	CTH except from biodiesel of subheading 3824.99 or 3826.00; or Distillation or a chemical reaction is undergone, provided that biodiesel (including hydrotreated vegetable oil) of heading 27.10 and subheadings 3824.99 and 3826.00 used is obtained by esterification, transesterification or hydrotreatment.

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
27.11-27.15	Manufacture from non-originating materials of any heading.
SECTION VI	PRODUCTS OF THE CHEMICAL OR ALLIED INDUSTRIES Section note: For definitions of horizontal processing rules within this Section, see Note 5 of Annex 3-A.
Chapter 28	Inorganic chemicals; organic or inorganic compounds of precious metals, of rare-earth metals, of radioactive elements or of isotopes
28.01-28.53	CTSH; A chemical reaction, purification, mixing and blending, production of standard materials, a change in particle size, isomer separation or biotechnological processing is undergone; or MaxNOM 50 % (EXW).
Chapter 29	Organic chemicals
2901.10-2905.42	CTSH; A chemical reaction, purification, mixing and blending, production of standard materials, a change in particle size, isomer separation or biotechnological processing is undergone; or MaxNOM 50 % (EXW).
2905.43-2905.44	CTH except from heading subheading 3824.60; or MaxNOM 40 % (EXW).

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
2905.45	CTSH; however, materials of the same sub-heading as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product; or MaxNOM 50 % (EXW).
2905.49-2942	CTSH; A chemical reaction, purification, mixing and blending, production of standard materials, a change in particle size, isomer separation or biotechnological processing is undergone; or MaxNOM 50 % (EXW).
Chapter 30	Pharmaceutical products
30.01-30.06	CTSH; A chemical reaction, purification, mixing and blending, production of standard materials, a change in particle size, isomer separation or biotechnological processing is undergone; or MaxNOM 50 % (EXW).
Chapter 31	Fertilisers
31.01-31.04	CTH, however, non-originating materials of the same heading as the product may be used, provided that their total value does not exceed 20 % of the EXW of the product; or MaxNOM 40 % (EXW).

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
31.05	
-Sodium nitrate -Calcium cyanamide -Potassium sulphate -Magnesium potassium sulphate	CTH, however, non-originating materials of the same heading as the product may be used, provided that their total value does not exceed 20 % of the EXW of the product; or MaxNOM 40 % (EXW).
-Others	CTH, however, non-originating materials of the same heading as the product may be used, provided that their total value does not exceed 20 % of the EXW of the product, and in which the value of non-originating materials used does not exceed 50 % of the EXW of the product; or MaxNOM 40 % (EXW).
Chapter 32	Tanning or dyeing extracts; tannins and their derivatives; dyes, pigments and other colouring matter; paints and varnishes; putty and other mastics; inks
32.01-3215.90	CTSH; A chemical reaction, purification, mixing and blending, production of standard materials, a change in particle size, isomer separation or biotechnological processing is undergone; or MaxNOM 50 % (EXW).

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
Chapter 33	Essential oils and resinoids; perfumery, cosmetic or toilet preparations
3301.12-3301.90	CTSH; A chemical reaction, purification, mixing and blending, production of standard materials, a change in particle size, isomer separation or biotechnological processing is undergone; or MaxNOM 50 % (EXW).
3302.10	CTH, however, non-originating materials of subheading 3302.10 may be used, provided that their total value does not exceed 20 % of the EXW of the product; or MaxNOM 50 % (EXW).
3302.90	CTSH; A chemical reaction, purification, mixing and blending, production of standard materials, a change in particle size, isomer separation or biotechnological processing is undergone; or MaxNOM 50 % (EXW).
33.03	Manufactures from non-originating materials of any heading.

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
3304-33.07	CTSH; A chemical reaction, purification, mixing and blending, production of standard materials, a change in particle size, isomer separation or biotechnological processing is undergone; or MaxNOM 50 % (EXW).
Chapter 34	Soap, organic surface-active agents, washing preparations, lubricating preparations, artificial waxes, prepared waxes, polishing or scouring preparations, candles and similar articles, modelling pastes, "dental waxes" and dental preparations with a basis of plaster
34.01-34.07	CTSH; A chemical reaction, purification, mixing and blending, production of standard materials, a change in particle size, isomer separation or biotechnological processing is undergone; or MaxNOM 50 % (EXW).
Chapter 35	Albuminoidal substances; modified starches; glues; enzymes
35.01	CTH
3502.11-3502.19	CTH except from headings 04.07 and 04.08.
3502.20-3504.00	CTH
35.05	CTH except from heading 11.08.

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
35.06-35.07	CTSH; A chemical reaction, purification, mixing and blending, production of standard materials, a change in particle size, isomer separation or biotechnological processing is undergone; or MaxNOM 50 % (EXW).
Chapter 36	Explosives; pyrotechnic products; matches; pyrophoric alloys; certain combustible preparations
36.01-36.06	CTSH; A chemical reaction, purification, mixing and blending, production of standard materials, a change in particle size, isomer separation or biotechnological processing is undergone; or MaxNOM 50 % (EXW).
Chapter 37	Photographic or cinematographic goods
37.01-37.07	CTSH; A chemical reaction, purification, mixing and blending, production of standard materials, a change in particle size, isomer separation or biotechnological processing is undergone; or MaxNOM 50 % (EXW).

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
Chapter 38	Miscellaneous chemical products
38.01-38.08	CTSH; A chemical reaction, purification, mixing and blending, production of standard materials, a change in particle size, isomer separation or biotechnological processing is undergone; or MaxNOM 50 % (EXW).
3809.10	CTH except from headings 11.08 and 35.05.
3809.91-3822.90	CTSH; A chemical reaction, purification, mixing and blending, production of standard materials, a change in particle size, isomer separation or biotechnological processing is undergone; or MaxNOM 50 % (EXW).
38.23	Manufacture from non-originating material of any heading; or MaxNOM 50 % (EXW).
3824.10-3824.50	CTSH; A chemical reaction, purification, mixing and blending, production of standard materials, a change in particle size, isomer separation or biotechnological processing is undergone; or MaxNOM 50 % (EXW).

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
3824.60	CTH except from subheadings 2905.43 and 2905.44.
3824.81-3825	CTSH; A chemical reaction, purification, mixing and blending, production of standard materials, a change in particle size, isomer separation or biotechnological processing is undergone; or MaxNOM 50 % (EXW).
38.26	Manufacture in which biodiesel is obtained through transesterification, esterification or hydro-treatment.
38.27	CTSH; A chemical reaction, purification, mixing and blending, production of standard materials, a change in particle size, isomer separation, or biotechnological processing is undergone; or MaxNOM 50 % (EXW).
SECTION VII	PLASTICS AND ARTICLES THEREOF; RUBBER AND ARTICLES THEREOF Section note: For definitions of horizontal processing rules within this Section, see Note 5 of Annex 3-A.

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
Chapter 39	Plastics and articles thereof
39.01-39.15	CTSH; A chemical reaction, purification, mixing and blending, production of standard materials, a change in particle size, isomer separation or biotechnological processing is undergone; or MaxNOM 50 % (EXW).
39.16-39.26	CTH; or MaxNOM 50 % (EXW).
Chapter 40	Rubber and articles thereof
40.01-40.11	CTH; or MaxNOM 50 % (EXW).
4012.11-4012.19	CTSH; or Retreading of used tyres.
4012.20-4017.00	CTH; or MaxNOM 50 % (EXW).
SECTION VIII	RAW HIDES AND SKINS, LEATHER, FURSKINS AND ARTICLES THEREOF; SADDLERY AND HARNESS; TRAVEL GOODS, HANDBAGS AND SIMILAR CONTAINERS; ARTICLE OF ANIMAL GUT(OTHER THAN SILK-WORM GUT)
Chapter 41	Raw hides and skins (other than furskins) and leather

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
41.01-4104.19	CTH
4104.41-4104.49	CTSH except from subheadings 4104.41 to 4104.49.
4105.10	CTH
4105.30	CTSH
4106.21	CTH
4106.22	CTSH
4106.31	CTH
4106.32-4106.40	CTSH
4106.91	CTH
4106.92	CTSH
41.07-41.13	CTH except subheadings 4104.41, 4104.49, 4105.30, 4106.22, 4106.32 and 4106.92. However, non-originating materials of subheadings 4104.41, 4104.49, 4105.30, 4106.22, 4106.32 or 4106.92 may be used provided that they undergo a retanning operation.
4114.10	CTH
4114.20	CTH except subheadings 4104.41, 4104.49, 4105.30, 4106.22, 4106.32, 4106.92 and 4107. However, non-originating materials of subheadings 4104.41, 4104.49, 4105.30, 4106.22, 4106.32, 4106.92 and 4107 may be used provided that they undergo a retanning operation.
41.15	CTH

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
Chapter 42	Articles of leather; saddlery and harness; travel goods, handbags and similar containers; articles of animal gut (other than silk-worm gut)
42.01-42.06	CTH; or MaxNOM 50 % (EXW).
Chapter 43	Furskins and artificial fur; manufactures thereof
43.01-4302.20	CTH; or MaxNOM 50 % (EXW).
4302.30	CTSH
43.03-43.04	CTH; or MaxNOM 50 % (EXW).
SECTION IX	WOOD AND ARTICLES OF WOOD; WOOD CHARCOAL; CORK AND ARTICLES OF CORK; MANUFACTURES OF STRAW, OF ESPARTO OR OF OTHER PLAITING MATERIALS; BASKETWARE AND WICKERWORK
Chapter 44	Wood and articles of wood; wood charcoal
44.01-44.21	CTH; or MaxNOM 50 % (EXW).
Chapter 45	Cork and articles of cork
45.01-45.04	CTH
Chapter 46	Manufactures of straw, of esparto or of other plaiting materials; basketware and wickerwork

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
46.01-46.02	CTH; or MaxNOM 50 % (EXW).
SECTION X	PULP OF WOOD OR OF OTHER FIBROUS CELLULOSIC MATERIAL; RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD; PAPER AND PAPERBOARD AND ARTICLES THEREOF
Chapter 47	Pulp of wood or of other fibrous cellulosic material; recovered (waste and scrap) paper or paperboard
47.01-47.07	CTH; or MaxNOM 50 % (EXW).
Chapter 48	Paper and paperboard; articles of paper pulp, of paper or of paperboard
48.01-48.23	CTH; or MaxNOM 50 % (EXW).
Chapter 49	Printed books, newspapers, pictures and other products of the printing industry; manuscripts, typescripts and plans
49.01-49.11	CTH; or MaxNOM 50 % (EXW).
SECTION XI	TEXTILES AND TEXTILE ARTICLES Section note: For definitions of horizontal processing rules within this Section, see Notes 6,7 and 8 of Annex 3-A.
Chapter 50	Silk
50.01-50.02	CTH

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
50.03	
- Carded or combed:	Carding or combing of silk waste.
- Others:	CTH
50.04-50.05	Spinning of natural fibres; Extrusion of man-made continuous filament combined with spinning; Extrusion of man-made continuous filament combined with twisting; or Twisting combined with any mechanical operation.
50.06	
- Silk yarn and yarn spun from silk waste:	Spinning of natural fibres; Extrusion of man-made continuous filament combined with spinning; Extrusion of man-made continuous filament combined with twisting; or Twisting combined with any mechanical operation.
- Silk-worm gut:	CTH
50.07	Spinning of natural or man-made staple fibres combined with weaving; Extrusion of man-made filament yarn combined with weaving; Twisting or any mechanical operation combined with weaving; Weaving combined with dyeing; Yarn dyeing combined with weaving; Weaving combined with printing; or Printing (as standalone operation).

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
Chapter 51	Wool, fine or coarse animal hair; horsehair yarn and woven fabric
51.01-51.05	CTH
51.06-51.10	Spinning of natural fibres; Extrusion of man-made fibres combined with spinning; or Twisting combined with any mechanical operation.
51.11-51.13	Spinning of natural or man-made staple fibres combined with weaving; Extrusion of man-made filament yarn combined with weaving; Weaving combined with dyeing; Yarn dyeing combined with weaving; Weaving combined with printing; or Printing (as standalone operation).
Chapter 52	Cotton
52.01-52.03	CTH
52.04-52.07	Spinning of natural fibres; Extrusion of man-made fibres combined with spinning; or Twisting combined with any mechanical operation.

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
52.08-52.12	Spinning of natural or man-made staple fibres combined with weaving; Extrusion of man-made filament yarn combined with weaving; Twisting or any mechanical operation combined with weaving; Weaving combined with dyeing or with coating or with laminating; Yarn dyeing combined with weaving; Weaving combined with printing; or Printing (as standalone operation).
Chapter 53	Other vegetable textile fibres; paper yarn and woven fabrics of paper yarn
53.01-53.05	CTH
53.06-53.08	Spinning of natural fibres; Extrusion of man-made fibres combined with spinning; or Twisting combined with any mechanical operation.
53.09-53.11	Spinning of natural or man-made staple fibres combined with weaving; Extrusion of man-made filament yarn combined with weaving; Weaving combined with dyeing or with coating or with laminating: Yarn dyeing combined with weaving: Weaving combined with printing; or Printing (as standalone operation).

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
Chapter 54	Man-made filaments; strip and the like of man-made textile materials
54.01-54.06	Spinning of natural fibres; Extrusion of man-made fibres combined with spinning; or Twisting combined with any mechanical operation.
54.07-54.08	Spinning of natural or man-made staple fibres combined with weaving; Extrusion of man-made filament yarn combined with weaving; Yarn dyeing combined with weaving; Weaving combined with dyeing or with coating or with laminating; Twisting or any mechanical operation combined with weaving; Weaving combined with printing; or Printing (as standalone operation).
Chapter 55	Man-made staple fibres
55.01-55.07	Extrusion of man-made fibres.
55.08-55.11	Spinning of natural fibres; Extrusion of man-made fibres combined with spinning; or Twisting combined with any mechanical operation.

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
55.12-55.16	Spinning of natural or man-made staple fibres combined with weaving; Extrusion of man-made filament yarn combined with weaving; Twisting or any mechanical operation combined with weaving; Weaving combined with dyeing or with coating or with laminating; Yarn dyeing combined with weaving; Weaving combined with printing; or Printing (as standalone operation).
Chapter 56	Wadding, felt and nonwovens; special yarns; twine, cordage, ropes and cables and articles thereof
56.01	Spinning of natural fibres; Extrusion of man-made fibres combined with spinning; Wadding formation; Flocking combined with dyeing or with printing; or Bonding, coating, flocking, laminating, or metalizing combined with at least two other main preparatory or finishing operations (such as calendering, shrink-resistance processes, heat setting, permanent finishing), provided that the value of non-originating materials used does not exceed 50 % of the EXW of the product.
56.02	

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
- Needleloom Felt:	Extrusion of man-made fibres combined with fabric formation; however: – non-originating polypropylene filament of heading 54.02; – non-originating polypropylene fibres of heading 55.03 or 55.06; or – non-originating polypropylene filament tow of heading 55.01; of which the denomination in all cases of a single filament or fibre is less than 9 decitex, may be used, provided that their total value does not exceed 40 % of the EXW of the product; or Non-woven fabric formation alone in the case of felt made from natural fibres.
- Others:	Extrusion of man-made fibres combined with fabric formation; or Non-woven fabric formation alone in the case of other felt made from natural fibres.
5603.11-5603.14	Manufacturefrom - directionally or randomly oriented filaments; or - substances or polymers of natural or man-made origin; followed in both cases by bonding into a nonwoven.
5603.91-5603.94	Manufacture from - directionally or randomly oriented staple fibres; or - chopped yarns, of natural or man-made origin; followed in both cases by bonding into a nonwoven.
5604.10	Manufacture from rubber thread or cord, not textile covered.

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
5604.90	Spinning of natural fibres; Extrusion of man-made fibres combined with spinning; or Twisting combined with any mechanical operation.
56.05	Spinning of natural or man-made staple fibres; Extrusion of man-made fibres combined with spinning; or Twisting combined with any mechanical operation.
56.06	Extrusion of man-made fibres combined with spinning; Twisting combined with gimping; Spinning of natural or man-made staple fibres; or Flocking combined with dyeing.
56.07-56.09	Spinning of natural fibres; or Extrusion of man-made fibres combined with spinning.
Chapter 57	Carpets and other textile floor coverings Chapter note: For products of this Chapter non-originating jute fabric may be used as a backing.

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
57.01-57.05	Spinning of natural or man-made staple fibres combined with weaving or with tufting; Extrusion of man-made filament yarn combined with weaving or with tufting; Manufacture from coir yarn or sisal yarn or jute yarn or classical ring spun viscose yarn; Tufting combined with dyeing or with printing; Flocking combined with dyeing or with printing; Extrusion of man-made fibres combined with nonwoven techniques including needle punching; or Tufting or weaving of man-made filament yarn combined with coating or with laminating
Chapter 58	Special woven fabrics; tufted textile fabrics; lace; tapestries; trimmings; embroidery
58.01-58.04	Spinning of natural or man-made staple fibres combined with weaving or with tufting; Extrusion of man-made filament yarn combined with weaving or with tufting; Weaving combined with dyeing or with flocking or with coating or with laminating or with metalizing; Tufting combined with dyeing or with printing; Flocking combined with dyeing or with printing; Yarn dyeing combined with weaving; Weaving combined with printing; or Printing (as standalone operation).

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
58.05	CTH
58.06-58.09	Spinning of natural or man-made staple fibres combined with weaving or with tufting; Extrusion of man-made filament yarn combined with weaving or with tufting; Weaving combined with dyeing or with flocking or with coating or with laminating or with metalizing; Tufting combined with dyeing or with printing; Flocking combined with dyeing or with printing; Yarn dyeing combined with weaving; Weaving combined with printing; or Printing (as standalone operation).
58.10	Embroidering in which the value of non-originating materials of any heading, except that of the product, used does not exceed 50 % of the EXW of the product.
58.11	Spinning of natural or man-made staple fibres combined with weaving or with tufting; Extrusion of man-made filament yarn combined with weaving or with tufting; Weaving combined with dyeing or with flocking or with coating or with laminating or with metalizing; Tufting combined with dyeing or with printing; Flocking combined with dyeing or with printing; Yarn dyeing combined with weaving; Weaving combined with printing; or Printing (as standalone operation).

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
Chapter 59	Impregnated, coated, covered or laminated textile fabrics; textile articles of a kind suitable for industrial use
59.01	Weaving combined with dyeing or with flocking or with coating or with laminating or with metalising; or Flocking combined with dyeing or with printing.
59.02	
- Containing not more than 90 % by weight of textile materials:	Weaving.
- Others:	Extrusion of man-made fibres combined with weaving.
59.03	Weaving combined with impregnating or with coating or with covering or with laminating or with metalising; Weaving combined with printing; or Printing (as standalone operation).
59.04	Calendaring combined with dyeing, coating, laminating or metalizing. Non-originating jute fabric may be used as a backing. or Weaving combined with dyeing or with coating or with laminating or with metalising. Non-originating jute fabric may be used as a backing.

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
59.05	
- Impregnated, coated, covered or laminated with rubber, plastics or other materials:	Weaving, knitting or non-woven fabric formation combined with impregnating or with coating or with covering or with laminating or with metalising.
- Others:	Spinning of natural or man-made staple fibres combined with weaving; Extrusion of man-made filament yarn combined with weaving; Weaving, knitting or nonwoven fabric formation combined with dyeing or with coating or with laminating; Weaving combined with printing; or Printing (as standalone operation).
59.06	
- Knitted or crocheted fabrics:	Spinning of natural or man-made staple fibres combined with knitting or with crocheting; Extrusion of man-made filament yarn combined with knitting or with crocheting; Knitting or crocheting combined with rubberising; or Rubberising combined with at least two other main preparatory or finishing operations (such as calendering, shrink-resistance processes, heat setting, permanent finishing) provided that the value of non-originating materials used does not exceed 50 % of the EXW of the product.

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
- Other fabrics made of synthetic filament yarn, containing more than 90 % by weight of textile materials:	Extrusion of man-made fibres combined with weaving.
- Others:	Weaving, knitting or nonwoven process combined with dyeing or with coating or with rubberising; Yarn dyeing combined with weaving, knitting or nonwoven process; or Rubberising combined with at least two other main preparatory or finishing operations (such as calendering, shrink-resistance processes, heat setting, permanent finishing) provided that the value of non-originating materials used does not exceed 50 % of the EXW of the product.
59.07	Weaving, knitting or nonwoven fabric formation combined with dyeing or with printing or with coating or with impregnating or with covering; Flocking combined with dyeing or with printing; or Printing (as standalone operation).
59.08	
- Incandescent gas mantles, impregnated:	Manufacture from tubular knitted or crocheted gas-mantle fabric.
- Others:	CTH

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
59.09-59.11	Spinning of natural or of man-made staple fibres combined with weaving; Extrusion of man-made fibres combined with weaving; Weaving combined with dyeing or with coating or with laminating; or Coating, flocking, laminating or metalizing combined with at least two other main preparatory or finishing operations (such as calendering, shrink-resistance processes, heat setting, permanent finishing) provided that the value of non-originating materials used does not exceed 50 % of the EXW of the product.
Chapter 60	Knitted or crocheted fabrics
60.01-60.06	Spinning of natural or man-made staple fibres combined with knitting or with crocheting; Extrusion of man-made filament yarn combined with knitting or with crocheting; Knitting or crocheting combined with dyeing or with flocking or with coating or with laminating or with printing; Flocking combined with dyeing or with printing; Yarn dyeing combined with knitting or with crocheting; or Twisting or texturing combined with knitting or with crocheting provided that the value of non-originating non-twisted or non-textured yarns used does not exceed 50 % of the EXW of the product.

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
Chapter 61	Articles of apparel and clothing accessories, knitted or crocheted
61.01-61.17	
- Obtained by sewing together or otherwise assembling, two or more pieces of knitted or crocheted fabric which have been either cut to form or obtained directly to form:	Knitting or crocheting combined with making-up including cutting of fabric.
- Others:	Spinning of natural or man-made staple fibres combined with knitting or with crocheting; Extrusion of man-made filament yarn combined with knitting or with crocheting; or Knitting and making-up in one operation.
Chapter 62	Articles of apparel and clothing accessories, not knitted or crocheted
62.01	Weaving combined with making-up including cutting of fabric; or Making-up including cutting of fabric preceded by printing (as standalone operation).

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
62.02	
- Embroidered:	Weaving combined with making-up including cutting of fabric; or Manufacture from unembroidered fabric, provided that the value of non-originating unembroidered fabric used does not exceed 40 % of the EXW of the product.
- Others:	Weaving combined with making-up including cutting of fabric; or Making-up including cutting of fabric preceded by printing (as standalone operation).
62.03	Weaving combined with making-up including cutting of fabric; or Making-up including cutting of fabric preceded by printing (as standalone operation).
62.04	
- Embroidered:	Weaving combined with making-up including cutting of fabric; or Manufacture from unembroidered fabric, provided that the value of non-originating unembroidered fabric used does not exceed 40 % of the EXW of the product.
- Others:	Weaving combined with making-up including cutting of fabric; or Making-up including cutting of fabric preceded by printing (as standalone operation).
62.05	Weaving combined with making-up including cutting of fabric; or Making-up including cutting of fabric preceded by printing (as standalone operation).

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
62.06	
- Embroidered:	Weaving combined with making-up including cutting of fabric; or Manufacture from unembroidered fabric, provided that the value of non-originating unembroidered fabric used does not exceed 40 % of the EXW of the product.
- Others:	Weaving combined with making-up including cutting of fabric; or Making-up including cutting of fabric preceded by printing (as standalone operation).
62.07-62.08	Weaving combined with making-up including cutting of fabric; or Making-up including cutting of fabric preceded by printing (as standalone operation).
62.09	
- Embroidered:	Weaving combined with making-up including cutting of fabric; or Manufacture from unembroidered fabric, provided that the value of non-originating unembroidered fabric used does not exceed 40 % of the EXW of the product.
- Others:	Weaving combined with making-up including cutting of fabric; or Making-up including cutting of fabric preceded by printing (as standalone operation).
62.10	

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
- Fire-resistant equipment of fabric covered with foil of aluminised polyester:	Weaving combined with making-up including cutting of fabric; or Coating or laminating combined with making-up including cutting of fabric, provided that the value of non-originating uncoated or unlaminated fabric used does not exceed 40 % of the EXW of the product.
- Others:	Weaving combined with making-up including cutting of fabric; or Making-up including cutting of fabric preceded by printing (as standalone operation).
62.11	
- Women's, or girls' garments, embroidered:	Weaving combined with making-up including cutting of fabric; or Manufacture from unembroidered fabric, provided that the value of non-originating unembroidered fabric used does not exceed 40 % of the EXW of the product.
- Others:	Weaving combined with making-up including cutting of fabric; or Making-up including cutting of fabric preceded by printing (as standalone operation).
62.12	
- Knitted or crocheted obtained by sewing together or otherwise assembling, two or more pieces of knitted or crocheted fabric which have been either cut to form or obtained directly to form:	Knitting combined with making-up including cutting of fabric; or Making-up including cutting of fabric preceded by printing (as standalone operation).

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
- Others:	Weaving combined with making-up including cutting of fabric; or Making-up including cutting of fabric preceded by printing (as standalone operation).
62.13-62.14	
- Embroidered:	Weaving combined with making-up including cutting of fabric; Manufacture from unembroidered fabric, provided that the value of non-originating unembroidered fabric used does not exceed 40 % of the EXW of the product; or Making-up including cutting of fabric preceded by printing (as standalone operation).
- Others:	Weaving combined with making-up including cutting of fabric; or Making-up including cutting of fabric preceded by printing (as standalone operation).
62.15	Weaving combined with making-up including cutting of fabric; or Making-up including cutting of fabric preceded by printing (as standalone operation).
62.16	
- Fire-resistant equipment of fabric covered with foil of aluminised polyester:	Weaving combined with making-up including cutting of fabric; or Coating or laminating combined with making-up including cutting of fabric, provided that the value of non-originating uncoated or unlaminated fabric used does not exceed 40 % of the EXW of the product.

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
- Others:	Weaving combined with making-up including cutting of fabric: or Making-up including cutting of fabric preceded by printing (as standalone operation).
62.17	
- Embroidered:	Weaving combined with making-up including cutting of fabric; Manufacture from unembroidered fabric, provided that the value of non-originating unembroidered fabric used does not exceed 40 % of the EXW of the product; or Making-up including cutting of fabric preceded by printing (as standalone operation).
- Fire-resistant equipment of fabric covered with foil of aluminised polyester:	Weaving combined with making-up including cutting of fabric; or Coating or laminating combined with making-up including cutting of fabric, provided that the value of non-originating uncoated or unlaminated fabric used does not exceed 40 % of the EXW of the product.
- Interlinings for collars and cuffs, cut out:	CTH, provided that the value of all the non-originating materials used does not exceed 40 % of the EXW of the product.
- Others:	Weaving combined with making-up including cutting of fabric.
Chapter 63	Other made up textile articles; sets; worn clothing and worn textile articles; rags
63.01-63.04	

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
- Of felt, of nonwovens:	Nonwoven Fabric formation combined with making-up including cutting of fabric.
- Others: -- Embroidered:	Weaving or knitting or crocheting combined with making-up including cutting of fabric; or Manufacture from unembroidered fabric (other than knitted or crocheted), provided that the value of non-originating unembroidered fabric used does not exceed 40 % of the EXW of the product.
-- Others:	Weaving, knitting or crocheting combined with making-up including cutting of fabric.
63.05	Extrusion of man-made fibres or spinning of natural or man-made staple fibres, combined with weaving or with knitting and making-up including cutting of fabric.
63.06	
- Of nonwovens:	Nonwoven fabric formation combined with making-up including cutting of fabric.
- Others:	Weaving combined with making-up including cutting of fabric.
63.07	MaxNOM 40 % (EXW).
63.08	Each item in the set must satisfy the rule which would apply to it if it were not included in the set; however, non-originating articles may be incorporated, provided that their total value does not exceed 15 % of the EXW of the set.
63.09-63.10	CTH

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
SECTION XII	FOOTWEAR, HEADGEAR, UMBRELLAS, SUN UMBRELLAS, WALKING-STICKS, SEAT-STICKS, WHIPS, RIDING-CROPS AND PARTS THEREOF; PREPARED FEATHERS AND ARTICLES MADE THEREWITH; ARTIFICIAL FLOWERS; ARTICLE OF HUMAN HAIR
Chapter 64	Footwear, gaiters and the like; parts of such articles
64.01-64.05	Manufacture from non-originating materials of any heading, except from assemblies of uppers affixed to inner soles or to other sole components of heading 64.06.
64.06	CTH
Chapter 65	Headgear and Parts Thereof
65.01-65.07	CTH
Chapter 66	Umbrellas, sun umbrellas, walking-sticks, seat-sticks, whips, riding-crops and parts thereof
66.01-66.03	CTH; or MaxNOM 50 % (EXW).
Chapter 67	Prepared feathers and down and articles made of feathers or of down; artificial flowers; articles of human hair
67.01-67.04	CTH
SECTION XIII	ARTICLES OF STONE, PLASTER, CEMENT, ASBESTOS, MICA OR SIMILAR MATERIALS; CERAMIC PRODUCTS; GLASS AND GLASSWARE
Chapter 68	Articles of stone, plaster, cement, asbestos, mica or similar materials

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
68.01-68.15	CTH; or MaxNOM 70 % (EXW).
Chapter 69	Ceramic products
69.01-69.14	CTH
Chapter 70	Glass and glassware
70.01-70.09	CTH; or MaxNOM 50 % (EXW).
70.10	CTH
70.11	CTH; or MaxNOM 50 % (EXW).
70.13	CTH except from heading 70.10
70.14-70.20	CTH; or MaxNOM 50 % (EXW).
SECTION XIV	NATURAL OR CULTURED PEARLS, PRECIOUS OR SEMI-PRECIOUS STONES, PRECIOUS METALS, METALS CLAD WITH PRECIOUS METAL, AND ARTICLES THEREOF; IMITATION JEWELLERY; COIN
Chapter 71	Natural or cultured pearls, precious or semi-precious stones, precious metals, metals clad with precious metal, and articles thereof; imitation jewellery; coin
71.01-71.05	Manufacture from non-originating materials of any heading.

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
71.06	
- Unwrought:	CTH except from headings 71.06, 71.08 and 71.10; Electrolytic, thermal or chemical separation of non-originating precious metals of headings 71.06, 71.08 and 71.10; or Fusion or alloying of non-originating precious metals of headings 71.06, 71.08 and 71.10 with each other or with base metals or purification.
- Semi-manufactured or in powder form:	Manufacture from non-originating unwrought precious metals.
71.07	Manufacture from non-originating materials of any heading.
71.08	
- Unwrought:	CTH except from headings 71.06, 71.08 and 71.10; Electrolytic, thermal or chemical separation of non-originating precious metals of headings 71.06, 71.08 and 71.10; or Fusion or alloying of non-originating precious metals of headings 71.06, 71.08 and 71.10 with each other or with base metals or purification.
- Semi-manufactured or in powder form:	Manufacture from non-originating unwrought precious metals
71.09	Manufacture from non-originating materials of any heading.

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
71.10	
- Unwrought:	CTH except from headings 71.06, 71.08 and 71.10; Electrolytic, thermal or chemical separation of non-originating precious metals of headings 71.06, 71.08 and 71.10; or Fusion or alloying of non-originating precious metals of headings 71.06, 71.08 and 71.10 with each other or with base metals or purification.
- Semi-manufactured or in powder form:	Manufacture from non-originating unwrought precious metals.
71.11	Manufacture from non-originating materials of any heading.
71.12-71.18	CTH
SECTION XV	BASE METALS AND ARTICLES OF BASE METAL
Chapter 72	Iron and Steel
72.01-72.06	CTH
72.07	CTH except from heading 72.06.
72.08-72.17	CTH except from headings 72.08 to 72.17.
72.18	CTH
72.19-72.23	CTH except from headings 72.19 to 72.23.
72.24	CTH
72.25-72.29	CTH except from headings 72.25 to 72.29.

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
Chapter 73	Articles of iron or steel
7301.10	CC except from headings 72.08 to 72.17.
7301.20	CTH
73.02	CC except from headings 72.08 to 72.17.
73.03	CTH
73.04-73.06	Manufacture from non-originating materials of heading 72.06, 72.07, 72.08, 72.09, 72.10, 72.11, 72.12, 72.18, 72.19, 72.20 or 72.24.
73.07	
- Tube or pipe fittings of stainless steel:	CTH except from forged blanks; however, non-originating forged blanks may be used provided that their value does not exceed 50 % of the EXW of the product.
- Others:	CTH
73.08	CTH except from subheading 7301.20.
7309.00-7315.19	CTH
7315.20	CTH; or MaxNOM 50 % (EXW).
7315.81-7326.90	CTH
Chapter 74	Copper and articles thereof
74.01-74.02	CTH

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
74.03	Manufacture from non-originating materials of any heading.
74.04-74.07	CTH
74.08	CTH and MaxNOM 50 % (EXW)
74.09-74.19	CTH
Chapter 75	Nickel and articles thereof
75.01	CTH
75.02	Manufacture from non-originating materials of any heading.
75.03-75.08	CTH
Chapter 76	Aluminium and articles thereof
76.01	CTH and MaxNOM 50 % (EXW); or Manufacture by thermal or electrolytic treatment from unalloyed aluminium or waste and scrap of aluminium.
76.02-76.03	CTH
7604.10-7607.19	CTH and MaxNOM 50 % (EXW).
7607.20	MaxNOM 50 % (EXW).
7608.10-7616.99	CTH and MaxNOM 50 % (EXW).
Chapter 78	Lead and articles thereof
7801.10	Manufacture from non-originating materials of any heading.
7801.91-7806.00	CTH

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
Chapter 79	Zinc and articles thereof
79.01-79.07	CTH
Chapter 80	Tin and articles thereof
80.01-80.07	CTH
Chapter 81	Other base metals; cermets; articles thereof
81.01-81.13	Manufacture from non-originating materials of any heading.
Chapter 82	Tools, implements, cutlery, spoons and forks, of base metal; parts thereof of base metal
8201.10-8205.70	CTH; or MaxNOM 50 % (EXW).
8205.90	CTH; however, non-originating tools of heading 82.05 may be incorporated into the set, provided that their total value does not exceed 15 % of the EXW of the set.
82.06	CTH except from headings 82.02 to 82.05; however, non-originating tools of headings 82.02 to 82.05 may be incorporated into the set, provided that their total value does not exceed 15 % of the EXW of the set.
82.07-82.15	CTH; or MaxNOM 50 % (EXW).
Chapter 83	Miscellaneous articles of base metal
83.01-83.11	CTH; or MaxNOM 50 % (EXW).

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
SECTION XVI	MACHINERY AND MECHANICAL APPLIANCES; ELECTRICAL EQUIPMENT; PARTS THEREOF; SOUND RECORDERS AND REPRODUCERS, TELEVISION IMAGE AND SOUND RECORDERS AND REPRODUCERS, AND PARTS AND ACCESSORIES OF SUCH ARTICLES
Chapter 84	Nuclear reactors, boilers, machinery and mechanical appliances; parts thereof
84.01-84.06	CTH; or MaxNOM 50 % (EXW).
84.07-84.08	MaxNOM 50 % (EXW).
84.09-84.24	CTH; or MaxNOM 50 % (EXW).
84.25-84.30	CTH except from heading 84.31; or MaxNOM 50 % (EXW).
84.31-84.43	CTH; or MaxNOM 50 % (EXW).
84.44-84.47	CTH except from heading 84.48; or MaxNOM 50 % (EXW).
84.48-84.55	CTH; or MaxNOM 50 % (EXW).

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
84.56-84.65	CTH except from heading 84.66; or MaxNOM 50 % (EXW).
84.66-84.68	CTH; or MaxNOM 50 % (EXW).
84.70-84.72	CTH except from heading 84.73; or MaxNOM 50 % (EXW).
84.73-84.87	CTH; or MaxNOM 50 % (EXW).
Chapter 85	Electrical machinery and equipment and parts thereof; sound recorders and reproducers, television image and sound recorders and reproducers, and parts and accessories of such articles
85.01-85.02	CTH except from heading 85.03; or MaxNOM 50 % (EXW).
85.03-85.18	CTH; or MaxNOM 50 % (EXW).
85.19-85.21	CTH except from heading 85.22; or MaxNOM 50 % (EXW).
85.22-85.24	CTH; or MaxNOM 50 % (EXW).
85.25-85.28	CTH except from heading 85.29; or MaxNOM 50 % (EXW).

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
85.29-85.34	CTH; or MaxNOM 50 % (EXW).
85.35-85.37	CTH except from heading 85.38; or MaxNOM 50 % (EXW).
85.38-85.43	CTH; or MaxNOM 50 % (EXW).
85.44-85.49	MaxNOM 50 % (EXW).
SECTION XVII	VEHICLES, AIRCRAFT, VESSELS AND ASSOCIATED TRANSPORT EQUIPMENT
Chapter 86	Railway or tramway locomotives, rolling-stock and parts thereof; railway or tramway track fixtures and fittings and parts thereof; mechanical (including electro-mechanical) traffic signalling equipment of all kinds
86.01-86.09	CTH except from heading 86.07; or MaxNOM 50 % (EXW).
Chapter 87	Vehicles other than railway or tramway rolling-stock, and parts and accessories thereof
87.01-87.07	MaxNOM 45 % (EXW).
87.08-87.11	CTH; or MaxNOM 50 % (EXW).
87.12	MaxNOM 45 % (EXW).
87.13-87.16	CTH; or MaxNOM 50 % (EXW).

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
Chapter 88	Aircraft, spacecraft, and parts thereof
88.01-88.07	CTH; or MaxNOM 50 % (EXW).
Chapter 89	Ships, boats and floating structures
89.01-89.08	CC; or MaxNOM 40 % (EXW).
SECTION XVIII	OPTICAL, PHOTOGRAPHIC, CINEMATOGRAPHIC, MEASURING, CHECKING, PRECISION, MEDICAL OR SURGICAL INSTRUMENTS AND APPARATUS; CLOCKS AND WATCHES; MUSICAL INSTRUMENTS;
Chapter 90	Optical, photographic, cinematographic, measuring, checking, precision, medical or surgical instruments and apparatus; parts and accessories thereof
9001.10-9001.40	CTH; or MaxNOM 50 % (EXW).
9001.50	CTH; or Manufacture in which one of the following operations is made: - surfacing of the semi-finished lens into a finished ophthalmic lens with optical corrective power meant to be mounted on a pair of spectacles; or - coating of the lens through appropriated treatments to improve vision and ensure protection of the wearer; or MaxNOM 50 % (EXW).
9001.90-9033.00	CTH; or MaxNOM 50 % (EXW).

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
Chapter 91	Clocks and watches and parts thereof
91.01-91.14	CTH; or MaxNOM 50 % (EXW).
Chapter 92	Musical instruments; parts and accessories of such articles
92.01-92.09	MaxNOM 50 % (EXW).
SECTION XIX	ARMS AND AMMUNITION; PARTS AND ACCESSORIES THEREOF
Chapter 93	Arms and ammunition; parts and accessories thereof
93.01-93.07	MaxNOM 50 % (EXW).
SECTION XX	MISCELLANEOUS MANUFACTURED ARTICLES
Chapter 94	Furniture; bedding, mattresses, mattress supports, cushions and similar stuffed furnishings; lamps and lighting fittings, not elsewhere specified or included; illuminated signs, illuminated name-plates and the like; prefabricated buildings
94.01-94.06	CTH; or MaxNOM 50 % (EXW).
Chapter 95	Toys, games and sports requisites; parts and accessories thereof
95.03-95.08	CTH; or MaxNOM 50 % (EXW).
Chapter 96	Miscellaneous manufactured articles
96.01-96.04	CTH; or MaxNOM 50 % (EXW).

Column 1 Harmonized System classification (2022) including specific description	Column 2 Product-specific rule of origin
96.05	Each item in the set must satisfy the rule which would apply to it if it were not included in the set. However, non-originating articles may be incorporated, provided that their total value does not exceed 15 % of the EXW of the set.
96.06-9608.40	CTH; or MaxNOM 50 % (EXW).
9608.50	Each item in the set must satisfy the rule which would apply to it if it were not included in the set. However, non-originating articles may be incorporated, provided that their total value does not exceed 15 % of the EXW of the set.
9608.60-96.20	CTH; or MaxNOM 50 % (EXW).
SECTION XXI	WORKS OF ART, COLLECTORS' PIECES AND ANTIQUES
Chapter 97	Works of Art, Collectors' Pieces and Antiques
97.01-97.06	CTH

ANNEX 3-C

STATEMENT ON ORIGIN

The statement on origin, the text of which is set out below, shall be drawn up in accordance with the respective footnotes. The footnotes do not have to be reproduced.

Bulgarian version

(Period: from_____ to _____[(1)])

Износителят на продуктите, обхванати от този документ (износител №…[(2)]) декларира, че освен където ясно е отбелязано друго, тези продукти са с …[(3)] преференциален произход.

…….....

(Place and date[(4)])

…….....

(Name and signature of the exporter[(5)])

Croatian version

(Period: from_____ to _____[1])

Izvoznik proizvoda obuhvaćenih ovom ispravom (referentni broj izvoznika: .....[2]) izjavljuje da su, osim ako je drukčije izričito navedeno, ovi proizvodi .....[3] preferencijalnog podrijetla.

…….....

(Place and date[4])

…….....

(Name and signature of the exporter[5])

Czech version

(Period: from_____ to _____[1])

Vývozce výrobků uvedených v tomto dokumentu (referenční číslo vývozce ...[2]) prohlašuje, že kromě zřetelně označených, mají tyto výrobky preferenční původ v ...[3].

…….....

(Place and date[4])

…….....

(Name and signature of the exporter[5])

Danish version

(Period: from_____ to _____[(1)])

Eksportøren af varer, der er omfattet af nærværende dokument, (eksportørreferencenr. …[(2)]) erklærer, at varerne, medmindre andet tydeligt er angivet, har præferenceoprindelse i ...[(3)].

…….....

(Place and date[(4)])

…….....

(Name and signature of the exporter[(5)])

Dutch version

(Period: from_____ to _____[(1)])

De exporteur van de goederen waarop dit document van toepassing is (referentienr. exporteur …[(2)]) verklaart dat, behoudens uitdrukkelijke andersluidende vermelding, deze goederen van preferentiële ... oorsprong zijn[(3)].

…….....

(Place and date[(4)])

…….....

(Name and signature of the exporter[(5)])

English version

(Period: from_____ to _____[1])

The exporter of the products covered by this document (Exporter reference No ...[2]) declares that, except where otherwise clearly indicated, these products are of ... preferential origin[3].

…….....

(Place and date[4])

…….....

(Name and signature of the exporter[5])

Estonian version

(Period: from_____ to _____[1])

Käesoleva dokumendiga hõlmatud toodete eksportija (eksportija viitenumber ...[2]) deklareerib, et need tooted on ...[3] sooduspäritoluga, välja arvatud juhul kui on selgelt näidatud teisiti.

…….....

(Place and date[4])

…….....

(Name and signature of the exporter[5])

Finnish version

(Period: from_____ to _____[1])

Tässä asiakirjassa mainittujen tuotteiden viejä (viejän viitenumero ...[2]) ilmoittaa, että nämä tuotteet ovat, ellei toisin ole selvästi merkitty, etuuskohteluun oikeutettuja ... alkuperätuotteita[3].

…….....

(Place and date[4])

…….....

(Name and signature of the exporter[5])

French version

(Period: from_____ to _____[1])

L'exportateur des produits couverts par le présent document (nº de référence exportateur …[2]) déclare que, sauf indication claire du contraire, ces produits ont l'origine préférentielle …[3].

…….....

(Place and date[4])

…….....

(Name and signature of the exporter[5])

German version

(Period: from_____ to _____[(1)])

Der Ausführer (Referenznummer des Ausführers . …[(2)]) der Waren, auf die sich dieses Handelspapier bezieht, erklärt, dass diese Waren, soweit nichts anderes angegeben, präferenzbegünstigte Ursprungswaren ...[(3)] sind.

…….....

(Place and date[(4)])

…….....

(Name and signature of the exporter[(5)])

Greek version

(Period: from_____ to _____[(1)])

Ο εξαγωγέας των προϊόντων που καλύπτονται από το παρόν έγγραφο (αριθ. αναφοράς εξαγωγέα. ...[(2)]) δηλώνει ότι, εκτός εάν δηλώνεται σαφώς άλλως, τα προϊόντα αυτά είναι προτιμησιακής καταγωγής ...[(3)].

…….....

(Place and date[(4)])

…….....

(Name and signature of the exporter[(5)])

Hungarian version

(Period: from_____ to _____[1])

A jelen okmányban szereplő áruk exportőre (az exportőr azonosító száma …[2]) kijelentem, hogy eltérő jelzs hiányában az áruk kedvezményes … származásúak[3].

…….....

(Place and date[4])

…….....

(Name and signature of the exporter[5])

Irish version

(Period: from_____ to _____[1])

The exporter of the products covered by this document (Exporter reference No ...[2]) declares that, except where otherwise clearly indicated, these products are of ... preferential origin[3].

…….....

(Place and date[4])

…….....

(Name and signature of the exporter[5])

Italian version

(Period: from_____ to _____[1])

L'esportatore delle merci contemplate nel presente documento (numero di riferimento dell'esportatore …[2]) dichiara che, salvo indicazione contraria, le merci sono di origine preferenziale ...[3].

…….....

(Place and date[4])

…….....

(Name and signature of the exporter[5])

Latvian version

(Period: from_____ to _____[1])

Eksportētājs produktiem, kuri ietverti šajā dokumentā (eksportētāja atsauces numurs …[2]), deklarē, ka, iznemot tur, kur ir citādi skaidri noteikts, šiem produktiem ir priekšrocību izcelsme no …[3].

…….....

(Place and date[4])

…….....

(Name and signature of the exporter[5])

Lithuanian version

(Period: from_____ to _____[(1)])

Šiame dokumente išvardintų prekių eksportuotojas (Eksportuotojo registracijos Nr …[(2)]) deklaruoja, kad, jeigu kitaip nenurodyta, tai yra …[(3)] preferencinės kilmės prekės.

…….....

(Place and date[(4)])

…….....

(Name and signature of the exporter[(5)])

Maltese version

(Period: from_____ to _____[(1)])

L-esportatur tal-prodotti koperti b'dan id-dokument (Numru ta' Referenza tal-Esportatur …[(2)]) jiddikjara li, hlief fejn indikat b'mod car li mhux hekk, dawn il-prodotti huma ta' origini preferenzjali …[(3)].

…….....

(Place and date[(4)])

…….....

(Name and signature of the exporter[(5)])

Polish version

(Period: from_____ to _____[1])

Eksporter produktów objętych tym dokumentem (nr referencyjny eksportera …[2]) deklaruje, że z wyjątkiem gdzie jest to wyraźnie określone, produkty te mają …[3] preferencyjne pochodzenie.

…….....

(Place and date[4])

…….....

(Name and signature of the exporter[5])

Portuguese version

(Period: from_____ to _____[1])

O abaixo assinado, exportador dos produtos cobertos pelo presente documento (referência do exportador n.º ...[2]) declara que, salvo expressamente indicado em contrário, estes produtos são de origem preferencial ...[3].

…….....

(Place and date[4])

…….....

(Name and signature of the exporter[5])

Romanian version

(Period: from_____ to _____[(1)])

Exportatorul produselor ce fac obiectul acestui document (numărul de referinţă al exportatorului …[(2)]) declară că, exceptând cazul în care în mod expres este indicat altfel, aceste produse sunt de origine preferenţială …[(3)].

…….....

(Place and date[(4)])

…….....

(Name and signature of the exporter[(5)])

Slovak version

(Period: from_____ to _____[(1)])

Vývozca výrobkov uvedených v tomto dokumente (referenčné číslo vývozcu …[(2)]) vyhlasuje, že okrem zreteľne označených, majú tieto výrobky preferenčný pôvod v …[(3)].

…….....

(Place and date[(4)])

…….....

(Name and signature of the exporter[(5)])

Slovenian version

(Period: from_____ to _____[(1)])

Izvoznik blaga, zajetega s tem dokumentom, (referenčna št. izvoznika ...[(2)]) izjavlja, da, razen če ni drugače jasno navedeno, ima to blago preferencialn ...[(3)] poreklo.

…….....

(Place and date[(4)])

…….....

(Name and signature of the exporter[(5)])

Spanish version

(Período: de_____ a _____[(1)])

El exportador de los productos incluidos en el presente documento (número de referencia del exportador ...[(2)]) declara que, salvo clara indicación en sentido contrario, estos productos gozan de un origen preferencial ...[(3)].

.....

(Lugar y fecha[(4)])

.....

(Nombre y firma del exportador[(5)])

Swedish version

(Period: from_____ to _____[1])

Exportören av de varor som omfattas av detta dokument (exportörens referensnummer . ...[2]) försäkrar att dessa varor, om inte annat tydligt markerats, har förmånsberättigande ursprung i …[3].

…….....

(Place and date[4])

…….....

(Name and signature of the exporter[5])

---

(1) If the statement on origin is completed for multiple shipments of identical originating products within the meaning of subparagraph (b) of Article 3.17(5) of this Agreement, indicate the period for which the statement on origin is to apply. That period shall not exceed 12 months. All importations of the product must occur within the period indicated. If a period is not applicable, the field may be left blank.

(2) Indicate the reference number by which the exporter is identified. For the European Union exporter, this will be the number assigned in accordance with the laws and regulations of the European Union. For the Chilean exporter, this will be the number assigned in accordance with the laws and regulations applicable within Chile. Where the exporter has not been assigned a number, this field may be left blank.

(3) Indicate the origin of the product: Chile or the European Union (EU). If the statement on origin relates, in whole or in part, to products originating in Ceuta and Melilla within the meaning of Article 3.29 of this agreement, the exporter must clearly indicate them in the document on which the declaration is made out by means of the symbol "CM".

(4) Place and date may be omitted if the information is contained on the document itself.

(5) In cases where the exporter is not required to sign, the exemption of signature also implies the exemption of the name of the signatory.

ANNEX 3-D

JOINT DECLARATIONS

JOINT DECLARATION CONCERNING THE PRINCIPALITY OF ANDORRA

1. Chile shall accept products originating in the Principality of Andorra falling within Chapters 25 to 97 of the Harmonized System as originating in the European Union within the meaning of this Agreement.

2. Paragraph 1 applies provided that, by virtue of the customs union established by the Agreement in the form of an exchange of letters between the European Economic Community and the Principality of Andorra, done at Luxembourg on 28 June 1990, the Principality of Andorra applies to products originating in Chile the same preferential tariff treatment as the European Union applies to such products.

3. Chapter 3 shall apply *mutatis mutandis* for the purposes of defining the originating status of products referred to in paragraph 1 of this Joint Declaration.

JOINT DECLARATION CONCERNING THE REPUBLIC OF SAN MARINO

1. Chile shall accept products originating in the Republic of San Marino as originating in the European Union within the meaning of this Agreement.

2. Paragraph 1 applies provided that, by virtue of the Agreement on Cooperation and Customs Union between the European Community and its Member States, of the one part, and the Republic of San Marino, of the other part, done at Brussels on 16 December 1991, the Republic of San Marino applies to products originating in Chile the same preferential tariff treatment as the European Union applies to such products.

3. Chapter 3 shall apply *mutatis mutandis* for the purposes of defining the originating status of products referred to in paragraph 1 of this Joint Declaration.

ANNEX 3-E

EXPLANATORY NOTES

1. When applying Article 3.17 the Parties shall comply with the following guidelines:

(a) when an invoice or other commercial document includes originating and non-originating products, the products should be identified as such in these documents, and non-originating products shall be clearly identified separately. There is no set way to identify separately the non-originating products. However, it could be done by:

(i) indicating in brackets behind every item of goods on the commercial document whether the products are originating or not;

(ii) using two headings on the invoice, namely originating products and non–originating products and listing the products under the corresponding heading; or

(iii) attributing a number to each of the products and indicate which of the numbers relate to originating products and which relate to non–originating products;

(b) a statement on origin made out on the back of the invoice or any other commercial document is acceptable;

(c) a statement on origin can be made out by typing, printing, handwriting or stamping the text on the invoice or other commercial document, including a photocopy of the document; the document should show the name and full address of the exporter and consignee, as well as a detailed description of the products, to enable their identification, and the date on which the statement on origin was made out, if different to the date of the invoice or other commercial document; the tariff classification should preferably be indicated at least at a heading level (four-digit code) under the Harmonized System on the invoice or other commercial document; as appropriate, the gross mass (kg) or other unit of measurement, such as liters or m^3, of all the originating products should also be indicated;

(d) a statement on origin can be made out on a separate sheet of paper, with or without a letterhead; if it is made out on a separate sheet of paper, that sheet shall be made part of the invoice or other commercial document by including a reference to that sheet in the invoice or other commercial document;

(e) if the invoice or other commercial document contains several pages, each page should be numbered and the total number of pages should be mentioned; a separate sheet with the statement of origin can make reference to that invoice or other commercial document;

(f) the statement on origin may be made out on a label that is permanently affixed to an invoice or other commercial document provided that there is no doubt that the label has been affixed by the exporter;

(g) For greater certainty, while the statement on origin shall be made out by the exporter, and the exporter shall bear the responsibility to provide sufficient detail to identify the originating product, there is no condition regarding the identity or the place of establishment of the person completing the invoice or other commercial document, provided that that document allows to clearly identify the exporter;

(h) If it is not possible for the exporter to make out the statement on origin on the invoice or other commercial document, an invoice or other commercial document of a third country may be used, for example where a consignment of originating products is split in a third country under the conditions of Article 3.14;

(i) other commercial documents can be, for example, an accompanying delivery note, a pro-forma invoice or a packing list.

2. When applying Article 3.18, the Parties shall not reject a claim for preferential tariff treatment on the basis of discrepancies between the statement on origin and the documents submitted to the customs office, or minor errors in the statement on origin, which do not raise doubts concerning the accuracy of the information contained in the import documentation and which do not affect the originating status of the products; such discrepancies or minor errors may include:

(a) typing errors in the description of the product, the exporter's or consignee's name or address, or the commercial document number;

(b) errors in additional information regarding the exporter or consignee, such as the phone number, postal code or email address;

(c) an incorrect reference to the tariff classification, unless it affects the originating status or preferential tariff treatment of the product.

3. However, a claim for preferential tariff treatment may be rejected on the basis of the following errors in the statement on origin:

(a) an incorrect exporter reference number; and

(b) an inaccurate description of the product or tariff classification that affects its originating status or preferential tariff treatment.

ANNEX 6-A

COMPETENT AUTHORITIES

1. For the European Union, with respect to its competent authorities, control in the area of sanitary and phytosanitary matters is shared between the relevant authorities of the Member States and the European Commission. In this respect the following applies:

(a) as regards exports to Chile, the relevant authorities of the Member States are responsible for control of the circumstances and requirements of production, including statutory inspections, and for the issuance of health certificates, including animal welfare, attesting the agreed standards and requirements;

(b) as regards imports from Chile, the relevant authorities of the Member States are responsible for control of the compliance of imports with the import conditions of the European Union; and

(c) the European Commission is responsible for the overall coordination, inspection, audits of inspection systems and the legislative actions necessary to ensure uniform application of standards and requirements within the internal European Union market.

2. For Chile, the Ministry of Agriculture, through the Servicio Agrícola y Ganadero, is the competent authority for the administration of all requirements, related to:

(a) sanitary and phytosanitary measures applied to the import and export of terrestrial animals, terrestrial animal products, plants, plant products and other products covered by sanitary and phytosanitary measures;

(b) sanitary and phytosanitary measures adopted to reduce the risk of terrestrial animal diseases and plant pests entering Chile and to control their eradication or spread; and

(c) the issuing of sanitary and phytosanitary export certificates for terrestrial animal and plant products.

3. The Ministry of Health of Chile is the competent authority for food safety control of all foods, whether domestically produced or imported, intended to human consumption, as well as for the food safety certification of elaborated nutritious products for export, except for aquatic products.

4. The Servicio Nacional de Pesca y Acuicultura of the Ministry of Economy of Chile is the competent authority for the control of food safety of aquatic products for export and for the issuance of the corresponding official certificates. It is also responsible for the protection of the health of aquatic animals, the sanitary certification of aquatic animals for export, and the control of imports of aquatic animals, bait and food used in aquaculture.

ANNEX 6-B

LIST OF ANIMAL DISEASES AND PESTS, SUBJECT TO NOTIFICATION,
FOR WHICH REGIONAL FREEDOM MAY BE RECOGNISED

Appendix 6-B-1

TERRESTRIAL AND AQUATIC ANIMAL DISEASES SUBJECT TO NOTIFICATION,
FOR WHICH THE STATUS OF A PARTY IS RECOGNISED
AND FOR WHICH REGIONALISATION DECISIONS MAY BE TAKEN

All the animal diseases listed in the most recent version of the World Organisation for Animal Health ("WOAH") list, included in the International Animal Health Code for terrestrial and aquatic animals.

Appendix 6-B-2

PESTS SUBJECT TO NOTIFICATION,
FOR WHICH THE STATUS OF A PARTY IS RECOGNISED
AND FOR WHICH REGIONALISATION DECISIONS MAY BE TAKEN

1. For the European Union:

(a) pests not known to occur in any part of the European Union and relevant for the entire European Union, or for part of it, as listed in Part A of Annex II to Commission Implementing Regulation (EU) 2019/2072;[1]

(b) pests known to occur in the European Union and relevant for the entire European Union, as listed in Part B of Annex II to Commission Implementing Regulation (EU) 2019/2072; and

(c) pests known to occur in the European Union and for which pest free areas or protected zones are established, as listed in Annex III to Commission Implementing Regulation (EU) 2019/2072.

[1] Commission Implementing Regulation (EU) 2019/2072 of 28 November 019 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants, and repealing Commission Regulation (EC) No 690/2008 and amending Commission Implementing Regulation (EU) 2018/2019 (OJ EU L 319, 10.12.2019, p. 1).

2. For Chile:

(a) pests not known to occur in any part of Chile, as listed in Article 20 of Resolution Nº 3080/2003 of Servicio Agrícola y Ganadero;[1]

(b) pests known to occur in Chile and under official control, as listed in Article 21 of Resolution N° 3080/2003 of Servicio Agrícola y Ganadero; and

(c) pest known to occur in Chile, under official control and for which pest free areas are established, as listed in Articles 6 and 7 of Resolution N° 3080/2003 of Servicio Agrícola y Ganadero.

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[1] *Resolución N° 3080 Exenta del Servicio Agrícola y Ganadero, que establece criterios de regionalización en relación a las plagas cuarentenarias para el territorio de Chile (Diario Oficial 7 de noviembre de 2003)* (Resolution Nº 3080 Exempt of Servicio Agrícola y Ganadero, establishing criteria for regionalisation in relation to the quarantine pests for the territory of Chile (Official Gazette 7 November 2003)).

ANNEX 6-C

REGIONALISATION AND ZONING

1. Basis for recognition of status and regionalisation decisions with regard to terrestrial and aquatic animal diseases:

(a) animal diseases:

(i) the basis for recognition of the status of a Party or a region of a Party with regard to an animal disease shall be the "Recognition of the disease/infection free status of a country or a zone and epidemiological surveillance systems" of the International Animal Health Code of the World Organisation for Animal Health ("WOAH"); and

(ii) the basis for recognition of regionalisation decisions for an animal disease shall be the "Zoning and regionalisation" of the International Animal Health Code of the WOAH; and

(b) aquatic animal diseases: the basis for recognition of regionalisation decisions for aquaculture diseases shall be the International Aquatic Health Code of the WOAH.

2. Criteria for the establishment of a region free from certain pests, pursuant to Article 6.7(2), shall comply with:

(a) the FAO International Standard for Phytosanitary Measures 4 "Requirements for the establishment of pest free areas" and the relevant definitions of the FAO International Standard for Phytosanitary Measures 5 "Glossary of phytosanitary terms"; or

(b) Article 32 of Regulation (EU) 2016/2031[1].

3. Criteria for the recognition of the special status of a territory or a region of a Party with respect to a specific animal diseases:

(a) where the importing Party considers that its territory or part of its territory is free from an animal disease other than those diseases listed in the most recent version of the WOAH list, it shall present to the exporting Party appropriate supporting documentation setting out, in particular, the following criteria:

(i) the nature of the disease and the history of its occurrence in its territory;

(ii) the results of surveillance testing based on serological, microbiological, pathological or epidemiological investigation and on the fact that the disease must be notified to the competent authorities;

[1] Regulation (EU) 2016/2031 of the European Parliament of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC (OJ EU L 317, 23.11.2016, p. 4).

(iii) the period during which the surveillance was carried out;

(iv) where applicable, the period during which vaccination against the disease has been prohibited and the geographical area concerned; and

(v) the arrangements for verifying the absence of the disease;

(b) if the importing Party requires additional guarantees pursuant to subparagraph (c) of Article 6.6(1), general or specific, those guarantees shall not exceed the guarantees that the importing Party implements; and

(c) a Party shall notify the other Party of any change in the criteria specified in subparagraph (a) of this paragraph which relate to the disease. Any additional guarantees established by the importing Party in accordance with subparagraph (b) of this paragraph may, following that notification, be amended or withdrawn.

ANNEX 6-D

CONDITIONS AND PROCEDURE FOR APPROVAL OF ESTABLISHMENTS FOR IMPORTS OF ANIMALS, ANIMAL PRODUCTS, PRODUCTS OF ANIMAL ORIGIN AND ANIMAL BY-PRODUCTS

1. The importing Party may require the approval of establishments of the exporting Party for the importation of animals, animal products, products of animal origin and animal by-products.

2. The importing Party shall approve establishments of the exporting Party on the basis of appropriate guarantees provided by the exporting Party without prior verification by the importing Party of the individual establishments.

3. The importing Party shall apply the procedure for the approval to all categories of establishments of animals, animal products, products of animal origin and animal by-products.

4. The importing Party shall draw up lists of approved establishments and make those lists publicly available. It shall modify or complete those lists to take account of new applications and guarantees received.

5. Approval is subject to the following conditions and procedure:

(a) the importing Party has authorised the import of the animal product concerned from the exporting Party and the relevant import conditions and certification requirements for the products concerned have been established;

(b) the competent authority of the exporting Party has provided the importing Party with satisfactory guarantees that the establishments appearing on its list or lists meet the relevant health requirements of the importing Party, and has officially approved the establishments appearing on the lists for exportation to the importing Party;

(c) the competent authority of the exporting Party is empowered to suspend activities for exportation to the importing Party from an establishment for which that authority has provided guarantees in the event of non-compliance with those guarantees; and

(d) verification by the importing Party, carried out in accordance with Article 6.11, may be part of the approval procedure and may relate to the following:

(i) the structure and organisation of the competent authority responsible for the approval of the establishment, as well as the empowerment of that competent authority and the guarantees it is able to provide regarding the implementation of the rules of the importing Party;

(ii) on the spot inspection of a representative number of establishments appearing on the list or lists provided by the exporting Party; or

(iii) in the European Union, that verification may relate to individual Member States.

6. Based on the results of the verification provided for in subparagraph (d) of paragraph 5, the importing Party may amend the existing list of establishments.

ANNEX 6-E

PROCESS FOR DETERMINATION OF EQUIVALENCE

1. The following principles for determination of equivalence apply:

(a) the Parties can determine equivalence for an individual measure or a group of measures or systems related to animals, animal products, plants, plant products and other products covered by sanitary or phytosanitary measures;

(b) The consideration of determination of equivalence shall not be a reason to disrupt or suspend trade of those animals, animal products, plants, plant products and other products covered by sanitary or phytosanitary measures;

(c) determination of equivalence of measures is an interactive process between the exporting Party and the importing Party, consisting of an objective demonstration of equivalence of individual measures by the exporting Party and the objective assessment of that demonstration with a view to the possible recognition of equivalence by the importing Party; and

(d) the final recognition of equivalence of the relevant measures of the exporting Party rests solely with the importing Party.

2. The following preconditions for initiation of the process for determination of equivalence apply:

(a) the exporting Party shall not initiate a process of determination of equivalence if the importing Party has not authorised the import of the animals, animal products, plants, plant products and other products covered by sanitary or phytosanitary measures for which equivalence is sought; the authorisation depends on the health or pest status, the laws and regulations and the effectiveness of the inspection and control system related to the animals, animal products, plants, plant products and other products covered by sanitary or phytosanitary measures in the exporting Party; the laws and regulations applicable to the sector concerned shall be taken into account, as well as the structure of the competent authority of the exporting Party, its chain of command, its powers, its operational procedures and resources, and the performance of the competent authorities as regards inspection and control systems, including its level of enforcement related to the animals, animal products, plants, plant products and other products covered by sanitary or phytosanitary measures and the regularity and rapidity of information to the importing Party in case of identified hazards; the process of determination of equivalence may be supported by documentation, verification, and earlier documented experience;

(b) the Parties shall initiate the process for determination of equivalence in accordance with the priorities established in Appendix 6-E-1; and

(c) the exporting Party shall only initiate the process if no safeguard measures imposed by the importing Party apply to the exporting Party as regards the animals, animal products, plants, plant products and other products covered by sanitary or phytosanitary measures concerned.

3. The following applies for the process for determination of equivalence:

(a) the exporting Party shall submit to the importing Party a request for recognition of equivalence of an individual measure or a group of measures or systems applicable to animals, animal products, plants, plant products and other products covered by sanitary or phytosanitary measures;

(b) the request of the exporting Party shall:

(i) explain the importance for trade of the animals, animal products, plants, plant products and other products covered by sanitary or phytosanitary measures in relation to which recognition of equivalence is requested;

(ii) identify all of those measures from the import conditions applicable to the animals, animal products, plants, plant products and other products covered by sanitary or phytosanitary measures of the importing Party, with which the exporting Party can comply; and

(iii) identify all of those measures from the import conditions applicable to the animals, animal products, plants, plant products and other products covered by sanitary or phytosanitary measures of the importing Party, for which the exporting Party seeks equivalence;

(c) the exporting Party shall objectively demonstrate to the importing Party, in accordance with paragraph 4, that the measure it has identified is equivalent to the import conditions for that commodity;

(d) the importing Party shall objectively assess, in accordance with paragraph 4, the demonstration of equivalence by the exporting Party;

(e) the importing Party shall determine whether equivalence is achieved or not; and

(f) the importing Party shall provide the exporting Party with a full explanation and supporting data for its determination and decision on request of the exporting Party.

4. The following applies for the demonstration of equivalence by the exporting Party and the assessment therefore by the importing Party:

(a) the exporting Party shall objectively demonstrate equivalence for the measure of the importing Party identified pursuant to subparagraph (b)(ii) of paragraph 3; if appropriate, equivalence shall be objectively demonstrated for any plan or programme required by the importing Party as a condition to allow import, for example, a residue plan; and

(b) the Parties shall, to the extent possible, base the objective demonstration and assessment on:

(i) internationally recognised standards;

(ii) standards based on proper scientific evidence;

(iii) risk assessment;

(iv) objective earlier documented experience;

(v) legal status or level of administrative status of the measures; or

(vi) level of implementation and enforcement which shall be based on, in particular:

(A) results of surveillance and monitoring programmes;

(B) results of verification by the exporting Party;

(C) results of analysis with recognised analysis methods;

(D) results of verification and import checks carried out by the importing Party;

(E) the performance of the competent authorities of the exporting Party; and

(F) earlier experiences.

5. If, following the assessment of the demonstration of equivalence, the importing Party determines that equivalence is not achieved, it shall provide the exporting Party with an explanation.

Appendix 6-E-1

PRIORITY SECTORS OR SUB-SECTORS
FOR WHICH EQUIVALENCE MAY BE RECOGNISED

The Sub-Committee referred to in Article 6.16 may recommend to the Trade Council to amend this Appendix pursuant to Article 6.8(5).

ANNEX 6-F

GUIDELINES FOR CONDUCTING VERIFICATIONS

1. For the purposes of this Annex:

(a) "auditee" means the Party subject to the verification; and

(b) "auditor" means the Party that carries out the verification.

2. The following general principles apply to verifications:

(a) a Party may carry out verifications on the basis of audits or on the spot checks;

(b) verifications shall be made in cooperation between the auditor and the auditee in accordance with this Annex;

(c) the auditor shall design the verifications to check the effectiveness of the controls of the auditee rather than to reject individual animals, groups of animals, consignments of food establishments or individual lots of plants or plant products;

(d) where a verification reveals a serious risk to human, animal or plant health, the auditee shall take immediate corrective action;

(e) the verification may include study of the relevant regulations, method of implementation, assessment of the result, level of compliance and subsequent corrective actions;

(f) a Party shall base the frequency of verifications on performance; a low level of performance shall result in an increased frequency of verifications; unsatisfactory performance shall be corrected by the auditee to the auditor's satisfaction; and

(g) a Party shall carry out verifications, and the decisions based on them, in a transparent and consistent manner.

3. The auditor shall prepare a plan, preferably in accordance with recognised international standards, that covers the following elements:

(a) the subject and scope of the verification;

(b) the date and place of the verification, accompanied by a timetable up to and including the issuing of the final report;

(c) the language or languages in which the verification will be conducted and the report will be written;

(d) the identity of the auditor or auditors, including the leader, if a team approach is used; specialised professional skills of auditors may be required to carry out verification of specialised systems and programmes;

(e) a schedule of meetings with officials and visits to establishments or facilities, as appropriate; it is not necessary for the auditor to state in advance the identity of establishments or facilities to be visited;

(f) the auditor shall respect commercial confidentiality, subject to provisions on freedom of information, and avoid any conflict of interest; and

(g) the auditor shall respect the rules governing occupational health and safety and the rights of the operator; the auditor shall give the representatives of the auditee the opportunity to review the plan in advance.

4. The following principles apply to actions taken by the auditee, in order to facilitate verification:

(a) the auditee shall fully cooperate with the auditor and shall nominate personnel responsible for that cooperation; cooperation may include, *inter alia*, facilitating:

(i) access to all relevant regulations and standards, compliance programmes, and appropriate records and documents;

(ii) access to audit and inspection reports;

(iii) access to documentation concerning corrective actions and sanctions; and

(iv) entry to establishments; and

(b) the auditee shall operate a documented programme to demonstrate to the auditor that standards are being met on a consistent and uniform basis.

5. The following procedures and principles apply to verifications:

(a) the representatives of the Parties shall hold an opening meeting, at which the auditor shall review the verification plan and confirm that adequate resources, documentation, and any other necessary facilities are available for conducting the verification;

(b) a document review may consist of a review of:

(i) the documents and records referred to in subparagraph (a);

(ii) the structure and powers of the auditee;

(iii) any relevant changes to the inspection and certification systems made after the entry into force of this Agreement or after the previous verification;

(iv) implementation of the system of inspection and certification for animals, animal products, plants or plant products; and

(v) relevant inspection and certification records and documents;

(c) the following principles apply to on the spot checks:

(i) a decision to include on the spot checks shall be based on a risk assessment, taking into account factors such as the animals, animal products, plants or plant products concerned, the history of conformity with requirements by the industry sector or exporting country, the production volume and import or export production, changes in infrastructure and the national inspection and certification systems; and

(ii) on the spot checks may include visits to production and manufacturing facilities, food-handling or storage areas and control laboratories to check the compliance with the information contained in the documentation referred to in subparagraph (a); and

(d) if a follow-up verification is carried out in order to verify the correction of deficiencies, it may be sufficient to verify only those points which have been found to require correction.

6. The Parties shall, to the largest possible extent, standardise forms for reporting audit findings and conclusions in order to achieve a more uniform, transparent and efficient verification. The working documents may include a checklist of elements to verify, which may cover:

(a) legislation;

(b) structure and operations of inspection and certification services;

(c) establishment details and working procedures, health statistics, sampling plans and results;

(d) compliance action and procedures;

(e) reporting and complaint procedures; and

(f) training programmes.

7. The representatives of the Parties, including, where appropriate, officials responsible for national inspection and certification programs, shall hold a closing meeting. At that meeting, the auditor shall present the findings of the verification in a clear and concise manner, so that the conclusions of the audit are clearly understood by the auditee. The auditee shall draw up an action plan for correction of any deficiencies noted, preferably with target dates for completion.

8. A draft report of verification shall, within 20 working days, be forwarded to the auditee, who shall have 25 working days to comment on the draft report. Comments made by the auditee shall be attached to and, where appropriate, included in the final report. However, where a significant human, animal or plant health risk has been identified during the verification, the auditee shall be informed as quickly as possible, and in any case within 10 working days of the end of the verification.

ANNEX 6-G

IMPORT CHECKS AND INSPECTION FEES

1. The following principles for import checks apply:

(a) import checks consist of documentary checks, identity checks and physical checks;

(b) as regards animals and animal products, the physical checks and their frequency rate applied shall be based on the risk associated with such imports;

(c) in carrying out the checks for plant health purposes, the importing Party shall ensure that the plants, plant products and other goods and their packaging shall be meticulously inspected on an official basis, either in their entirety or by a representative sample, and that, if necessary, the vehicles transporting them shall be inspected meticulously on an official basis in order to make sure that they, as far as can be determined, are not contaminated by pests; and

(d) in the event that the checks reveal non-conformity with the relevant standards or requirements, the importing Party shall take official measures proportionate to the risk identified; whenever possible, the importer or its representative shall be given access to the consignment and the opportunity to contribute any relevant information to assist the importing Party in taking a final decision concerning the consignment; such decision shall be proportionate to the risk involved.

2. The following frequency rates for physical checks apply:

(a) for animals and animal products:

(i) for imports into the European Union:

Type of frontier check	Frequency rate
1. Documentary checks	100 %
2. Identity checks	100 %
3. Physical checks	
Live animals	100 %
Category I products – Fresh meat including offal, and products of the bovine, ovine, caprine, porcine and equine species defined in European Parliament and Council Regulation (EC) No 853/2004[1] – Fish products in hermetically sealed containers intended to render them stable at ambient temperatures, fresh and frozen fish and dry and/or salted fisheries products – Whole eggs – Lard and rendered fats – Animal casings – Hatching eggs	20 %

[1] Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (OJ EU L 139, 30.04.2004, p. 55).

Type of frontier check	Frequency rate
Category II products – Poultry meat and poultry meat products – Rabbit meat, game meat (wild/farmed) and products thereof – Milk and milk products for human consumption – Egg products – Processed animal protein for human consumption – Other fisheries products than those mentioned under 20 % – Bivalve molluscs – Honey	50 %
Category III products – Semen – Embryos – Manure – Milk and milk products (not for human consumption) – Gelatin – Frog's legs and snails – Bones and bone products – Hides and skins – Bristles, wool, hair and feathers – Horns, horn products, hooves and hoof products – Apiculture products – Game trophies – Processed petfood – Raw material for the manufacture of petfood – Raw material, blood, blood products, glands and organs for pharmaceutical or technical use – Hay and straw – Pathogens – Processed animal protein (packaged)	minimum of 1 % maximum of 10 %

Type of frontier check	Frequency rate
Processed animal protein not for human consumption (bulked)	100 % for the first six consignments (Commission Regulation (EU) No 142/2011)[1], then 20 %

(ii) for imports into Chile:

Type of frontier check	Frequency rate
1. Documentary checks	100 %
2. Identity checks	100 %
3. Physical checks	
4. Live animals	100 %
Category 1 products – Bovine fresh meat (Post physical check with finding = next 10 shipments).	50 % 100 %
Category 2 products – Fresh meats of poultry, sheep, goats, swine, equine and wild species – Reptile and amphibian meat – Processed meat (bovine, pork, poultry) – Milk and dairy products – Honey – Whole eggs	20 %

[1] Commission Regulation (EU) No 142/2011 of 25 February 2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive (OJ EU L 54, 26.2.2011, p. 1).

Type of frontier check	Frequency rate
– Guts – Offal – Tendons, cartilages, bovine diaphragm pillars – Semen and embryos – Feather meal, shell meal, meat and bone meal – Oils and baits – Blood products – Extract of meat, extract of glands (Post physical check with finding = next 10 shipments).	50 %
Category 3 products – Kangaroo meat – Reptile meat – Canned meat and canned meat products – Sea bird guano – Feathers, hair, bristles and manes – Collagen, gelatin – Blood, serum, plasma in vitro use – Ready meals – Bile and culture media – Beeswax – Leathers various species – Royal jelly and propolis – Meat extract – Wool, except industrialised wool	Minimum 1 % Maximum10 %

Type of frontier check	Frequency rate
– Bacon, fats, edible pork skin – Animal blood, serum and plasma for *in vitro* use – Tendons and cartilage – Animal fat (bacon, edible leather) – Jerky – Trophies and stuffed animals – Tanned, semi-tanned, wet blue and pickled leathers – Industrialized, dyed and tops wool – Balanced petfood (Post physical check with finding = next 10 shipments).	20 %

(b) for plants and plant products:

(i) for imports into the European Union, for plants, plant products and other goods listed in Annex XI of Commission Implementing Regulation (EU) 2019/2072[1]:

Type of frontier check	Frequency rate
1. Documentary checks	100 %
2. Identity checks	100 %
3. Physical checks	Plants, plant products and other goods, and their packaging, shall be meticulously inspected on an official basis, either in their entirety or by representative sample; if necessary, the vehicles transporting them shall be inspected meticulously on an official basis in order to make sure that they, as far as can be determined, are not contaminated by pests.

[1] Commission Implementing Regulation (EU) 2019/2072 of 28 November 2019 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants, and repealing Commission Regulation (EC) No 690/2008 and amending Commission Implementing Regulation (EU) 2018/2019 (OJ EU L 319, 10.12.2019, p. 1).

(ii) for imports into Chile:

(A) documentary checks concern inspection of all documents relating to consignment to determine compliance with phytosanitary certification;

(B) physical checks:

(B.1) physical verification concerns inspection of consignments to determine the degree of industrialisation or transformation, for instance, to verify if a product is frozen, dried or toasted;

(B.2) phytosanitary inspection is an official visual examination of plants, plant products or other regulated articles to determine if pests are present or to determine compliance with phytosanitary regulations.

(C) reception concerns international conveyances for the determination of the phytosanitary status.

Type of frontier check	Frequency rate
1. Documentary checks	100 %
2. Identity checks	100 %
3. Physical checks: – physical verification – phytosanitary inspection	Plants, plant products and other regulated goods, and their packaging shall be meticulously inspected on an official basis, either in their entirety or by representative sample; if necessary, the vehicles transporting them shall be inspected meticulously on an official basis in order to make sure that they, as far as can be determined, are not contaminated by pests.
Plants, plants products and other regulated articles that represent a phytosanitary risk	Type of frontier checks
Seeds, plants and parts of plants for propagation, reproduction or planting.	Documentary checks Identity checks Phytosanitary inspection
Organism and microorganism used in biological control, pollinizers, producers of certain substances or investigation.	Documentary checks Identity checks Phytosanitary inspection
Plants products:	
Plant material submitted to one or more processes of industrialisation or transformation, that implies a transformation of the original characteristics, which consequently cannot be affected directly by pest, but which can transport pest or suffer infestation as a result of the storage conditions.	Documentary checks Identity checks Physical verification

Type of frontier check	Frequency rate
Plant material that despite being submitted to a process of industrialisation, can be affected by pest or harbour pest.	Documentary checks Identity checks Phytosanitary inspection
Fresh plants products for consumption, by direct use or following transformation, which can be affected by pest or harbour pest.	Documentary checks Identity checks Phytosanitary inspection
Other regulated articles that represent a phytosanitary risk	
Growing medias	Documentary checks Identity checks Phytosanitary inspection
Bio-fertilizers	Documentary checks Identity checks Phytosanitary inspection
Conveyances	Reception
Wood packaging materials	Phytosanitary inspection
Containers	Phytosanitary inspection
Used machinery and vehicles which have been operated for agricultural or forestry purposes	Documentary checks Identity checks Phytosanitary inspection

ANNEX 6-H

CERTIFICATION

1. The following principles of certification apply:

(a) with respect to certification of plants and plant products and other goods, the competent authorities shall implement Articles 100 and 101 of Regulation (EU) 2016/2031 of the European Parliament of the Council[1] and the principles laid down in the FAO International Standards for Phytosanitary Measures 7 "Export Certification System" and in the FAO International Standards for Phytosanitary Measures 12 "Guidelines for Phytosanitary Certificates"; and

(b) with respect to the certification of animals and animal products:

(i) the competent authorities of each Party shall ensure that certifying officers have a satisfactory knowledge of the veterinary legislation with regard to the animals or animal products to be certified and, in general, are informed of the rules to be followed for drawing up and issuing the certificates and, if necessary, regarding the nature and extent of the enquiries, tests or examinations which are to be carried out before certification;

[1] Regulation (EU) 2016/2031 of the European Parliament of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC (OJ EU L 317, 23.11.2016, p. 4).

(ii) certifying officers shall not certify data of which they have no personal knowledge, or which cannot be ascertained by them;

(iii) certifying officers shall not sign blank or incomplete certificates, or certificates relating to animals or animal products, which they have not inspected, or which have passed out of control of the certifying officers; where a certificate is signed on the basis of another certificate or attestation, the certifying officer shall be in possession of that certificate or attestation before signing;

(iv) a certifying officer may certify data which have been:

(A) ascertained on the basis of subparagraphs (b)(i), (b)(ii) and (b)(iii) by another person so authorised by the competent authority and acting under the control of that authority, provided that the certifying authority can verify the accuracy of the data to be certified; or

(B) obtained, within the context of monitoring programmes, by reference to officially recognised quality assurance schemes or by means of an epidemiological surveillance system, that are authorised under veterinary legislation;

(v) the competent authorities of each Party shall take all necessary steps to ensure the integrity of the certification; in particular, they shall ensure that certifying officers designated by them:

(A) have a status which ensures their impartiality and have no direct commercial interest in the animals or products being certified or in the holdings or establishments in which they originate; and

(B) are fully aware of the significance of the contents of each certificate which they sign;

(vi) certificates shall be drawn up as to ensure a link between the certificate and the consignment, at least in a language understood by the certifying officer and at least in one of the official languages of the importing Party as set out in paragraph 3;

(vii) each competent authority shall be able to link certificates to the relevant certifying officer and ensure that a copy of all certificates issued is available for a period to be determined by that competent authority;

(viii) each Party shall introduce the necessary checks and take the control measures necessary to prevent the issuing of false or misleading certification and the fraudulent production or use of certificates purportedly issued for the purposes of veterinary legislation; and

(ix) without prejudice to legal proceedings or penalties, the competent authorities shall carry out investigations or checks and take appropriate measures to impose sanctions for any false or misleading certification brought to their attention; such measures may include the temporary suspension of the certifying officers from their duties until the investigation is over; in particular:

(A) if, in the course of the checks, a certifying officer is found to have intentionally issued a fraudulent certificate, the competent authority shall take all necessary measures to ensure, as far as possible, that the officer concerned will not be able to repeat the offence; and

(B) if, in the course of the checks, an individual or an undertaking is found to have made fraudulent use of, or to have altered an official certificate, the competent authority shall take all necessary measures to ensure, as far as possible, that the individual or undertaking will not be able to repeat the offence; such measures may include a refusal to issue an official certificate to the individual or undertaking concerned.

2. With regards to the certificate referred to in Article 6.9(5), the health attestation in the certificate shall reflect the status of equivalence of the product concerned. The health attestation shall state compliance with the production standards of the exporting Party recognised as equivalent by the importing Party.

3. The following official languages for certification apply:

(a) for import into the European Union:

(i) for plants, plant products and other goods, the certificate shall be drawn up in at least one of the official languages of the European Union and preferably in one of the official languages of the Member State of destination;

(ii) for animals and animal products, the health certificate shall be drawn up in at least one of the official languages of the Member State of destination and in one of the official languages of the Member State in which the import checks provided for in Article 6.12 are carried out; and

(b) for import into Chile, the health certificate shall be drawn up in Spanish, or in another language, in which case a translation into Spanish shall be provided.

ANNEX 8-A

LISTS OF ENERGY GOODS, RAW MATERIALS AND HYDROCARBONS

1. List of energy goods by HS code:

(a) solid fuels (HS code 27.01, 27.02 and 27.04);

(b) crude oil (HS code 27.09);

(c) oil products (HS code 27.10 and 27.13-27.15);

(d) natural gas, including liquefied natural gas and liquefied petroleum gas (HS code 27.11); and

(e) electrical energy (HS code 27.16).

2. List of raw materials by HS code:

Chapter	Heading
25	Salt; sulphur; earths and stone; plastering materials, lime and cement
26	Ores, slag and ash
27	Mineral fuels, mineral oils and products of their distillation; bituminous substances; mineral waxes
28	Inorganic chemicals; organic or inorganic compounds of precious metals, of rare-earth metals, of radioactive elements or of isotopes

Chapter	Heading
29	Organic chemicals
71	Natural or cultured pearls, precious or semi-precious stones, precious metals, metals clad with precious metal, and articles thereof – however excluding natural or cultured pearls, precious or some-precious stones
72	Iron and steel
74	Copper and articles thereof
75	Nickel and articles thereof
76	Aluminium and articles thereof
78	Lead and articles thereof
79	Zinc and articles thereof
80	Tin and articles thereof
81	Other base metals; cermets; articles thereof

3. List of hydrocarbons by HS code:

(a) crude oil (HS code 27.09); and

(b) natural gas (HS code 27.11).

ANNEX 8-B

EXPORT PRICING CONDITIONS REFERRED TO IN ARTICLE 8.5(2)

1. A measure that Chile introduces or maintains pursuant to Article 8.5(2) shall meet all of the following conditions:

(a) it shall not result in an export restriction for exports to the European Union pursuant to Article 2.11;

(b) it shall not adversely affect the capacity of the European Union to source raw materials from Chile;

(c) if the raw material is supplied at a preferential price to any economic operator in any third country, that shall be accorded immediately and unconditionally to economic operators in like situations in the European Union; and

(d) it shall not result in a preferential price that is below the lowest price for exports of the same good realised during the preceding 12 months.

2. In accordance with the laws and regulations of Chile, the measure referred to in paragraph 1 and the way it is implemented shall be made publicly available and upon request of the European Union, Chile shall share with the European Union detailed and reliable information on the product scope, the production volume that is covered by the measure, whether domestic sales at preferential prices have taken place, and the domestic price that has resulted from the measure.

ANNEX 9-A

INTERNATIONAL STANDARDISATION ORGANISATIONS
RECOGNISED BY THE PARTIES

1. Bureau International des Poids et Mesures (BIPM);

2. Codex Alimentarius Commission;

3. International Civil Aviation Organization (ICAO);

4. International Council on Harmonisation of Technical Requirements for Pharmaceuticals for Human Use (ICH);

5. International Electrotechnical Commission (IEC);

6. International Labour Organization (ILO);

7. International Maritime Organization (IMO);

8. International Olive Council (IOC);

9. International Organisation of Vine and Wine (OIV);

10. International Organization for Standardization (ISO);

11. International Organization of Legal Metrology (OIML);

12. International Telecommunication Union (ITU);

13. United Nations Sub-Committee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals (UN/SCEGHS);

14. Universal Postal Union (UPU);

15. World Forum for Harmonization of Vehicle Regulations (WP.29) within the framework of the United Nations Economic Commission for Europe (UNECE); and

16. World Organisation for Animal Health (WOAH).

ANNEX 9-B

CONFORMITY ASSESSMENT – FIELDS AND SPECIFICITIES

1. List of fields[1]:

(a) safety aspects of electrical and electronic equipment as defined in paragraph 2;

(b) safety aspects of machinery as defined in paragraph 2;

(c) electromagnetic compatibility of equipment as defined in paragraph 2;

(d) energy efficiency including eco-design requirements;

(e) restriction of the use of certain hazardous substances in electrical and electronic equipment; and

(f) sanitary appliances.

[1] For greater certainty, this Annex does not cover whole aircraft, vessels, railways, motor vehicles as well as specialised maritime, railway, aviation or vehicle equipment.

2. For the purposes of this Annex:

(a) "electromagnetic compatibility of equipment" means the electromagnetic compatibility (disturbance and immunity) of equipment which is dependent on electric currents or electromagnetic fields in order to work properly and equipment for the generation, transfer and measurement of such currents, with the exception of:

(i) equipment for use in an explosive atmosphere;

(ii) equipment for use for radiology or medical purposes;

(iii) electrical parts for goods and passenger lifts;

(iv) radio equipment used by radio amateurs;

(v) measuring instruments;

(vi) non-automatic weighing instruments;

(vii) inherently benign equipment; and

(viii) custom built evaluation kits destined for professionals to be used solely at research and development facilities for such purposes;

(b) "energy efficiency" means the ratio of output of performance, service, goods or energy to input of energy of a product with an impact on energy consumption during use, and in light of the efficient allocation of resources;

(c) "safety aspects of electrical and electronic equipment" means the safety aspects of equipment, other than machinery, which is dependent on electric currents in order to work properly and equipment for the generation, transfer and measurement of such currents and which is designed for use with a voltage rating between 50 V and 1 000 V for alternating current and between 75 V and 1 500 V for direct current, as well as equipment which intentionally emits or receives electromagnetic waves of frequencies lower than 3 000 GHz with the purpose of radio communication or radiodetermination, with the exception of:

(i) equipment for use in an explosive atmosphere;

(ii) equipment for use for radiology or medical purposes;

(iii) electrical parts for goods and passenger lifts;

(iv) radio equipment used by radio amateurs;

(v) electricity meters;

(vi) plugs and socket outlets for domestic use;

(vii) electric fence controllers;

(viii) toys;

(ix) custom built evaluation kits destined for professionals to be used solely at research and development facilities for such purposes; or

(x) construction products for permanent incorporation in buildings or civil engineering works and the performance of which has an effect on the performance of the building or civil engineering works, such as cables, fire alarms, electric doors;

(d) "safety aspects of machinery" means the safety aspects of an assembly consisting of at least one moving part, powered by a drive system using one or more sources of energy such as thermal, electric, pneumatic, hydraulic or mechanical energy, arranged and controlled so that they function as an integral whole, with the exception of high-risk machinery, as defined by each Party.

(e) "sanitary appliances" means toilets, whirlpools, kitchen sinks, urinals, baths, shower trays, bidets or wash basins.

3. Pursuant to Article 9.9(7) of this Agreement, the Trade Council may amend the list of fields in paragraph 1 of this Annex.

4. Notwithstanding paragraph 1, a Party may introduce requirements for mandatory third-party testing or certification for the fields specified in this Annex, for products falling within the scope of this Annex, under the following conditions:

(a) there are compelling reasons related to the protection of human health and safety that justify the introduction of any such requirements;

(b) introduction of any such requirements is supported by substantiated technical or scientific information regarding the performance of those products;

(c) any such requirements is not more trade-restrictive than necessary to fulfil the Party's legitimate objective, taking account of the risks that non-fulfilment would create; and

(d) the Party could not have reasonably foreseen the need for introducing any such requirements at the time of entry into force of this Agreement.

Before introducing any such requirements, the Party shall notify the other Party and, following consultations, take the comments of the other Party into account, to the greatest extent possible, in devising any such requirements.

ANNEX 9-C

ON MOTOR VEHICLES AND EQUIPMENT AND PARTS THEREOF

1. For the purposes of this Annex:

(a) "1958 Agreement" means the Agreement Concerning the Adoption of Uniform Technical Prescriptions for Wheeled Vehicles, Equipment and Parts which can be Fitted and/or be Used on Wheeled Vehicles and the Conditions for Reciprocal Recognition of Approvals Granted on the Basis of these Prescriptions, done at Geneva on 20 March 1958;

(b) "HS 2017" means the 2017 edition of Harmonized System Nomenclature issued by the World Custom Organization;

(c) "UNECE" means the United Nations Economic Commission for Europe; and

(d) "UN Regulations" means Technical Regulations adopted in accordance with the 1958 Agreement.

2. Terms used in this Annex shall have the same meaning as the terms defined in the 1958 Agreement or in Annex 1 of the TBT Agreement.

3. This Annex applies to trade between the Parties in all categories of motor vehicles, equipment and parts thereof, as defined in paragraph 1.1. of UNECE Consolidated Resolution on the Construction of Vehicles (R.E.3)[1], falling, *inter alia*, under Chapters 40, 84, 85, 87, 90 and 94 of the HS 2017 (hereinafter referred to as "products covered").

4. With regard to the products covered, the objectives of this Annex are to:

(a) eliminate and prevent non-tariff barriers to bilateral trade;

(b) facilitate the approval of new motor vehicles based on approval schemes set out, *inter alia*, in the 1958 Agreement;

(c) establish competitive market conditions based on principles of openness, non-discrimination and transparency; and

(d) secure the protection of human health, safety and the environment, recognising the right of each Party to determine its desired level of protection and regulatory approaches.

5. The Parties recognise that the UN Regulations are relevant international standards for the products covered.

[1] ECE/TRANS/WP.29/78/Rev.6 of 11 July 2017.

6. The importing Party shall accept on its market new motor vehicles or new motor vehicle equipment or parts thereof provided the manufacturer has certified in accordance with the importing Party's applicable laws and regulations that the vehicle or equipment or parts thereof comply with the corresponding safety standards or technical regulations applicable in the importing Party.[1]

7. The Parties acknowledge that Chile has incorporated in its technical regulations certain technical regulations of the European Union and UNECE and the acceptance of the corresponding test reports and type-approval certificates.

8. Chile shall accept type-approval certificates of the European Union and of UNECE issued in accordance with the technical regulations of the European Union and of UNECE as attesting compliance of products covered with the technical regulations of Chile, without further testing or marking requirements to verify or attest compliance with a requirements covered by those type-approvals of the European Union or of UNECE, unless it would create a risk for human health, safety or the environment, according to the technical regulations of Chile.

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[1] For greater certainty, nothing in this paragraph shall be construed as preventing a Party from accepting on its market new motor vehicles or new motor vehicle equipment and parts certified according to a third country safety and emission standards or from requiring certification of compliance with existing motor vehicle safety and emission standards that a Party maintains on the date of entry into force of this Agreement, subject to paragraph 7.

9. Chile may amend its technical regulations if it considers that the technical regulations of the European Union or of UNECE no longer represent its desired level of protection, or create a risk for human health, safety or the environment. Before introducing such amendments, Chile shall inform the European Union through the contact points designated pursuant to Article 9.13 of this Agreement, and upon request, provide information on the rationale those amendments.

10. The competent authorities of the importing Party may verify that the products covered comply with all the relevant technical regulations of the importing Party. The verification shall be carried out by random sampling in the market and in accordance with the technical regulations of the importing Party.

11. The importing Party may require the supplier to withdraw a product from its market if the product concerned does not comply with those technical regulations.

12. Without prejudice to the right of each Party to adopt measures necessary for road safety, the protection of the environment or public health and the prevention of deceptive practices according to its desired level of protection, each Party shall refrain from nullifying or impairing the benefits accruing to the other Party under this Annex through regulatory measures specific to the products covered.

13. The importing Party shall endeavour to permit the importation and marketing of products incorporating a new technology or a new feature, which the importing Party has not yet regulated, unless it has a reasonable doubt about its safety, based on scientific or technical information, to the effect that this new technology or new feature creates a risk for human health, safety or environment. The importing Party refusing placement on the market shall notify this decision to the other Party as soon as possible.

14. The Parties shall cooperate and exchange information on any matter relevant to the implementation of this Annex in the Sub-Committee on Technical Barriers to Trade.

ANNEX 9-D

ARRANGEMENT REFERRED TO IN SUBPARAGRAPH (b) OF ARTICLE 9.7(5)
FOR THE REGULAR EXCHANGE OF INFORMATION
IN RELATION TO THE SAFETY OF NON-FOOD PRODUCTS
AND RELATED PREVENTIVE, RESTRICTIVE
AND CORRECTIVE MEASURES

Trade Council may amend this Annex pursuant to Article 9.7(10).

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ANNEX 9-E

ARRANGEMENT REFERRED TO IN ARTICLE 9.7(6)
FOR THE REGULAR EXCHANGE OF INFORMATION
REGARDING MEASURES TAKEN ON NON-COMPLIANT NON-FOOD PRODUCTS,
OTHER THAN THOSE COVERED BY ARTICLE 9.7(5)

Trade Council may amend this Annex pursuant to Article 9.7(10).

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ANNEX 10-A

RESERVATIONS FOR EXISTING MEASURES

Headnotes

1. The Schedules of the Parties in Appendices 10-A-1 and 10-A-2, set out pursuant to Articles 10.11 and 11.8, the reservations taken by the Parties with respect to existing measures that do not conform with obligations imposed by:

(a) Article 11.6;

(b) Article 10.6 or 11.4;

(c) Article 10.8;

(d) Article 10.10; or

(e) Article 10.9.

2. The reservations of a Party are without prejudice to the rights and obligations of the Parties under GATS.

3. Each reservation sets out the following elements:

(a) "sector" refers to the general sector in which the reservation is taken;

(b) "sub-sector" refers to the specific sector in which the reservation is taken;

(c) "industry classification" refers, where applicable, to the activity covered by the reservation according to the CPC, ISIC Rev. 3.1, or as expressly otherwise described in that reservation;

(d) "type of reservation" specifies the obligation referred to in paragraph 1 of this Annex for which the reservation is taken;

(e) "level of government" indicates the level of government maintaining the measure for which the reservation is taken;

(f) "measures" identifies the laws or other measures as qualified, where indicated, by the "description" element for which the reservation is taken. A "measure" cited in the "measures" element:

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

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

(iii) in respect of the Schedule of the European Union, includes any laws or other measures which implement a directive at Member State level; and

(g) "description" sets out the non-conforming aspects of the existing measure for which the reservation is taken.

4. For greater certainty, if a Party adopts a new measure at a level of government different to that at which the reservation was originally taken, and this new measure effectively replaces, within the territory to which it applies, the non-conforming aspect of the original measure cited in the "measures" element, the new measure shall be deemed to constitute a modification or an amendment to the original measure within the meaning of subparagraph (c) of Article 10.11(1) or subparagraph (c) of Article 11.8(1).

5. In the interpretation of a reservation, all elements of the reservation shall be considered. A reservation shall be interpreted in the light of the relevant obligations laid down in the against which the reservation is taken. The "measures" element shall prevail over all other elements.

6. For the purposes of the Schedules of the Parties, "ISIC Rev. 3.1" means the International Standard Industrial Classification of All Economic Activities as set out in Statistical Office of the United Nations, Statistical Papers, Series M, No. 4, ISIC Rev. 3.1, 2002.

7. For the purposes of the Schedules of the Parties, a reservation for a requirement to have a local presence in the territory of the Parties is taken with respect to Article 11.6, and not with respect to Article 11.4 or, in Annex 10-C, with respect to Article 11.7. Furthermore, such a requirement is not taken as a reservation with respect to Article 10.6.

8. A reservation taken at the level of the European Union applies to a measure of the European Union, to a measure of a Member State at the central level or to a measure of a government within a Member State, unless the reservation excludes a Member State. A reservation taken by a Member State applies to a measure of a government at the central, regional or local level within that Member State. For the purposes of the reservations of Belgium, the central level of government covers the federal government and the governments of the regions and the communities as each of them holds equipollent legislative powers. For the purposes of the reservations of the European Union and its Member States, a regional level of government in Finland means the Åland Islands. A reservation taken at the level of Chile applies to a measure of the central government or a local government.

9. The Schedules of the Parties do not include measures relating to qualification requirements and procedures, technical standards and licensing requirements and procedures where they do not constitute a limitation within the meaning of Article 10.6, 11.4 or 11.6. These measures may include, in particular, the need to obtain a licence, to satisfy universal service obligations, to have recognised qualifications in regulated sectors, to pass specific examinations, including language examinations, to fulfil a membership requirement of a particular profession, such as membership in a professional organisation, to have a local agent for service, or to maintain a local address, or any other non-discriminatory requirements that certain activities may not be carried out in protected zones or areas. While not listed in this Annex, such measures continue to apply.

10. For greater certainty, for the European Union, the obligation to grant national treatment does not entail the requirement to extend to natural or juridical persons of Chile the treatment granted in a Member State, pursuant to the Treaty on the Functioning of the European Union, or any measure adopted pursuant to that Treaty, including their implementation in the Member States, to:

(a) natural persons or residents of another Member State; or

(b) juridical persons constituted or organised under the law of another Member State or of the European Union and having their registered office, central administration or principal place of business in the European Union.

11. Treatment granted to juridical persons established by investors of a Party in accordance with the law of the other Party (including, in the case of the European Union, the law of a Member State) and having their registered office, central administration or principal place of business within that other Party, is without prejudice to any condition or obligation, consistent with Chapter 10, which may have been imposed on such juridical person when it was established in that other Party, and which shall continue to apply.

12. The Schedules of the Parties apply only to the territories of the Parties in accordance with Article 33.8 and are only relevant in the context of trade relations between the European Union and its Member States with Chile. They do not affect the rights and obligations of the Member States under European Union law.

13. The following abbreviations are used in the Schedule of the European Union:

EU European Union, including all its Member States

AT Austria

BE Belgium

BG Bulgaria

CY Cyprus

CZ Czechia

DE Germany

DK Denmark

EE Estonia

EL Greece

ES Spain

FI Finland

FR France

HR Croatia

HU Hungary

IE Ireland

IT Italy

LT Lithuania

LU Luxembourg

LV Latvia

MT Malta

NL Netherlands

PL Poland

PT Portugal

RO Romania

SE Sweden

SI Slovenia

SK Slovakia

EEA European Economic Area

[Appendix 10-A-1]

SCHEDULE OF THE EUROPEAN UNION

Reservation No. 1 – All sectors

Reservation No. 2 – Professional services (except health-related professions)

Reservation No. 3 – Professional services (health related and retail of pharmaceuticals)

Reservation No. 4 – Research and development services

Reservation No. 5 – Real estate services

Reservation No. 6 – Business services

Reservation No. 7 – Construction Services

Reservation No. 8 – Distribution services

Reservation No. 9 – Education services

Reservation No. 10 – Environmental services

Reservation No. 11 – Health services and social services

Reservation No. 12 – Tourism and travel related services

Reservation No. 13 – Recreational, cultural and sporting services

Reservation No. 14 – Transport services and services auxiliary to transport services

Reservation No. 15 – Energy related activities

Reservation No. 16 – Agriculture, fishing and manufacturing

Reservation No. 1 – All sectors

Sector:	All sectors
Type of reservation:	National treatment
	Most-favoured-nation treatment
	Performance requirements
	Senior management and boards of directors
Chapter/Section:	Investment liberalisation and Cross-border trade in services
Level of government:	EU/Member State (unless otherwise specified)

Description:

(a) Type of establishment

With respect to Investment liberalisation – National treatment:

The EU: Treatment granted pursuant to the Treaty on the Functioning of the European Union to juridical persons formed in accordance with the law of the European Union or of a Member State and having their registered office, central administration or principal place of business within the European Union, including those established in the European Union by investors of Chile, is not accorded to juridical juridical persons established outside the European Union, nor to branches or representative offices of such juridical persons, including to branches or representative offices of juridical persons of Chile.

Treatment less favourable may be accorded to juridical persons formed in accordance with the law of the European Union or of a Member State which have only their registered office in the European Union, unless it can be shown that they possess an effective and continuous link with the economy of one of the Member States.

Measures:

EU: Treaty on the Functioning of the European Union.

With respect to Investment liberalisation – National treatment, Senior management and boards of directors:

This reservation applies only to health, social or education services:

The EU (applies also to the regional level of government): Any Member State, when selling or disposing of its equity interests in, or the assets of, an existing state enterprise or an existing governmental entity providing health, social or education services (CPC 93, 92), may prohibit or impose limitations on the ownership of such interests or assets, and/or restrict the ability of owners of such interests and assets to control any resulting enterprise, with respect to investors of Chile or their enterprises. With respect to such a sale or other disposition, any Member State may adopt or maintain any measure relating to the nationality of senior management or members of the boards of directors.

For the purposes of this reservation:

(i) any measure maintained or adopted after the date of entry into force of this Agreement that, at the time of the sale or other disposition, prohibits or imposes limitations on the ownership of equity interests or assets or imposes nationality requirements as described in this reservation shall be deemed to be an existing measure; and

(ii) "state enterprise" means an enterprise owned or controlled through ownership interests by any Member State and includes an enterprise established after the date of entry into force of this Agreement solely for the purposes of selling or disposing of equity interests in, or the assets of, an existing state enterprise or governmental entity.

Measures:

EU: As set out in the description element as indicated above.

With respect to Investment liberalisation – National Treatment:

In AT: For the operation of a branch, non-European Economic Area (non-EEA) corporations must appoint at least one person responsible for its representation who is resident in Austria.

Executives (managing directors, natural persons) responsible for the observance of the Austrian Trade Act (Gewerbeordnung) must be domiciled in Austria.

In BG: Foreign juridical persons, unless established under the law of a Member State of the EEA, may conduct business and pursue activities if established in the Republic of Bulgaria in the form of a company registered in the Commercial Register. Establishment of branches is subject to authorisation.

Representative offices of foreign enterprises are to be registered with Bulgarian Chamber of Commerce and Industry and may not engage in economic activity but are only entitled to advertise their owner and act as representatives or agents.

In EE: If the residence of at least half of the members of the management board of a private limited company, a public limited company or a branch is not in Estonia, in another Member State of the EEA or in the Swiss Confederation, the private limited company, the public limited company or the foreign company shall appoint a point of contact whose Estonian address can be used for the delivery of the procedural documents of the undertaking and the declarations of intent addressed to the undertaking (i.e. the branch of a foreign company).

With respect to Investment liberalisation – National treatment, Senior management and boards of directors, and Cross-border trade in services – Local presence:

In FI: At least one of the partners in a general partnership or of general partners in a limited partnership needs to have residency in the EEA or, if the partner is a juridical person, be domiciled (no branches allowed) in the EEA. Exemptions may be granted by the registration authority.

To carry on trade as a private entrepreneur, residency in the EEA is required.

If a foreign organisation from a country outside the EEA intends to carry on a business or trade by establishing a branch in Finland, a trade permit is required.

Residency in the EEA is required for at least one of the ordinary and one of the deputy members of the board of directors and for the managing director. Company exemptions may be granted by the registration authority.

In SE: A foreign company, which has not established a legal entity in Sweden or is conducting its business through a commercial agent, shall conduct its commercial operations through a branch, registered in Sweden, with independent management and separate accounts. The managing director and the vice-managing director, if appointed, of the branch, must reside in the EEA. A natural person not resident in the EEA, who conducts commercial operations in Sweden, shall appoint and register a resident representative responsible for the operations in Sweden. Separate accounts shall be kept for the operations in Sweden. The competent authority may in individual cases grant exemptions from the branch and residency requirements. Building projects with duration of less than a year, conducted by a company located or a natural person residing outside the EEA, are exempted from the requirements of establishing a branch or appointing a resident representative.

For limited liability companies and co-operative economic associations, at least 50 % of the members of the board of directors, at least 50 % of the deputy board members, the managing director, the vice-managing director, and at least one of the persons authorised to sign for the company, if any, must reside within the EEA. The competent authority may grant exemptions from this requirement. If none of the company's or society's representatives reside in Sweden, the board must appoint and register a person resident in Sweden, who has been authorised to receive servings on behalf of the company or society.

Corresponding conditions prevail for establishment of all other types of legal entities.

In SK: A foreign natural person whose name is to be registered in the appropriate register (Commercial register, Entrepreneurial or other professional register) as a person authorised to act on behalf of an entrepreneur is required to submit a residence permit for Slovakia.

Measures:

AT: Aktiengesetz, BGBL. Nr. 98/1965, § 254 (2);

GmbH-Gesetz, RGBL. Nr. 58/1906, § 107 (2); and Gewerbeordnung, BGBL. Nr. 194/1994, § 39 (2a).

BG: Commercial Law, Article 17a; and

Law for Encouragement of Investments, Article 24.

EE: Äriseadustik (Commercial Code) § 631 (1, 2 and 4).

FI: Laki elinkeinon harjoittamisen oikeudesta (Act on the Right to Carry on a Trade) (122/1919), s. 1;

Osuuskuntalaki (Co-Operatives Act) 1488/2001;

Osakeyhtiölaki (Limited Liabilities Company Act) (624/2006); and

Laki luottolaitostoiminnasta (Act on Credit Institutions) (121/2007).

SE: Lag om utländska filialer m.m (Foreign Branch Offices Act) (1992:160);

Aktiebolagslagen (Companies Act) (2005:551);

The Co-operative Economic Associations Act (2018:672); and Act on European Economic Interest Groupings (1994:1927).

SK: Act 513/1991 on Commercial Code (Article 21); Act 455/1991 on Trade Licensing; and

Act no 404/2011 on Residence of Aliens (Articles 22 and 32).

With respect to Investment liberalisation –National Treatment and Performance requirements:

In BG: Established enterprises may employ third country nationals only for positions for which there is no requirement for Bulgarian nationality. The total number of third country nationals employed by an established enterprise over a period of the preceding 12 months must not exceed 20 percent (35 percent for small and medium-sized enterprises) of the average number of Bulgarian nationals, nationals of other Member States, of states parties to the Agreement on the EEA or of the Swiss Confederation hired on an employment contract. In addition, the employer must demonstrate that there is no suitable Bulgarian, EU, EEA or Swiss worker for the respective position by conducting a labour market test before employing a third country national.

For highly qualified, seasonal and posted workers, as well as for intra-corporate transferees, researchers and students there is no limitation on the number of third country nationals working for a single enterprise. For the employment of third country nationals in these categories, no labour market test is required.

Measures:

BG: Labour Migration and Labour Mobility Act.

With respect to Investment liberalisation – National treatment:

In PL: The scope of operations of a representative office may only encompass advertising and promotion of the foreign parent company represented by the office. For all sectors except legal services, establishment by non-European Union investors and their enterprises may only be in the form of a limited partnership, limited joint-stock partnership, limited liability company, and joint-stock company, while domestic investors and enterprises have access also to the forms of non-commercial partnership companies (general partnership and unlimited liability partnership).

Measures:

PL: Act of 6 March 2018 on rules regarding economic activity of foreign entrepreneurs and other foreign persons in the territory of the Republic of Poland.

(b) Acquisition of real estate

With respect to Investment liberalisation – National treatment:

In AT (applies to the regional level of government): The acquisition, purchase and rental or leasing of real estate by non-European Union natural persons and enterprises requires authorisation by the competent regional authorities (Länder). Authorisation will only be granted if the acquisition is considered to be in the public (in particular economic, social and cultural) interest.

In CY: Cypriots or persons of Cypriot origin, as well as nationals of a Member State, are allowed to acquire any property in Cyprus without restrictions. A foreigner shall not acquire, otherwise than *mortis causa*, any immovable property without obtaining a permit from the Council of Ministers. For foreigners, where the acquisition of immovable property exceeds the extent necessary for the erection of a premises for a house or professional roof, or otherwise exceeds the extent of two donums (2 676 square meter), any permit granted by the Council of Ministers shall be subject to such terms, limitations, conditions and criteria which are set by Regulations made by the Council of Ministers and approved by the House of Representatives. A foreigner is any person who is not a citizen of the Republic of Cyprus, including a foreign controlled company. The term does not include foreigners of Cypriot origin or non-Cypriot spouses of citizens of the Republic of Cyprus.

In CZ: Specific rules apply to agricultural land under state ownership. State agricultural land can be acquired only by Czech nationals, nationals of another Member State, or states parties to the Agreement on the EEA or the Swiss Confederation. Juridical persons can acquire state agriculture land from the state only if they are agricultural entrepreneurs in the Czech Republic or persons with similar status in other Member State, or states parties to the Agreement on the EEA or the Swiss Confederation.

In DK: Natural persons who are not resident in Denmark, and who have not previously been resident in Denmark for a total period of five years, must in accordance with the Danish Acquisition Act obtain permission from the Ministry of Justice to acquire title to real property in Denmark. This also applies for juridical persons that are not registered in Denmark. For natural persons, acquisition of real property will be permitted if the applicant is going to use the real property as his or her primary residence.

For juridical persons that are not registered in Denmark, acquisition of real property will in general be permitted, if the acquisition is a prerequisite for the business activities of the purchaser. Permission is also required if the applicant is going to use the real property as a secondary dwelling. Such permission will only be granted if the applicant through an overall and concrete assessment is regarded to have particular strong ties to Denmark.

Permission under the Acquisition Act is only granted for the acquisition of a specific real property. The acquisition of agricultural land by natural or juridical persons is in addition governed by the Danish Agricultural Holdings Act, which imposes restrictions on all persons, Danish or foreign, when acquiring agricultural property. Accordingly, any natural or juridical person, who wishes to acquire agricultural real property, must fulfil the requirements in this Act. This generally means a limited residence requirement on the agricultural holding applies. The residence requirement is not personal. Legal entities must be of the types listed in §20 and §21 of the Act and must be registered in the Union or EEA.

In EE: A juridical person from an OECD Member State has the right to acquire an immovable which contains:

(i) less than ten hectares of agricultural land, forest land or agricultural and forest land in total without restrictions;

(ii) ten hectares or more of agricultural land if the juridical person has been engaged, for three years immediately preceding the year of making the transaction of acquisition of the immovable, in production of agricultural products listed in Annex I to the Treaty on the Functioning of the European Union, except fishery products and cotton ("agricultural product");

(iii) ten hectares or more of forest land if the juridical person has been engaged, for three years immediately preceding the year of making the transaction of acquisition of the immovable, in forest management within the meaning of the Forest Act (hereinafter "forest management") or production of agricultural products;

(iv) less than ten hectares of agricultural land and less than ten hectares of forest land, but ten hectares or more of agricultural and forest land in total, if the juridical person has been engaged, for three years immediately preceding the year of making the transaction of acquisition of the immovable, in production of agricultural products or forest management.

If a juridical person does not meet the requirements provided for in subparagraphs (ii), (iii) and (iv), the juridical person may acquire an immovable which contains ten hectares or more of agricultural land, forest land or agricultural and forest land in total only with the authorisation of the council of the local government of the location of the immovable to be acquired.

Restrictions on acquiring immovable property apply in certain geographical areas for non-EEA nationals.

In EL: Real estate acquisition or tenancy in the border regions is prohibited to natural or juridical persons whose nationality or base is outside the Member States and the European Free Trade Association. The ban may be lifted with a discretionary decision taken by a committee of the appropriate Decentralized Administration (or the Minister of National Defense in case the properties to be exploited belong to the Fund for the Exploitation of Private Public Property).

In HR: Foreign companies are only allowed to acquire real estate for the supply of services if they are established and incorporated in Croatia as juridical persons. Acquisition of real estate necessary for the supply of services by branches requires the approval of the Ministry of Justice. Agricultural land cannot be acquired by foreigners.

In MT: Non-nationals of a Member State may not acquire immovable property for commercial purposes. Companies with 25 % (or more) of non-European Union shareholding must obtain an authorisation from the competent authority (Minister responsible for Finance) to buy immovable property for commercial or business purposes. The competent authority will determine whether the proposed acquisition represents a net benefit to the Maltese economy.

In PL: The acquisition of real estate, direct and indirect, by foreigners requires a permit. A permit is issued through an administrative decision by a minister competent in internal affairs, with the consent of the Minister of National Defence, and in the case of agricultural real estate, also with the consent of the Minister of Agriculture and Rural Development.

Measures:

AT: Burgenländisches Grundverkehrsgesetz, LGBL. Nr. 25/2007;

Kärntner Grundverkehrsgesetz, LGBL. Nr. 9/2004;

NÖ- Grundverkehrsgesetz, LGBL. 6800;

OÖ- Grundverkehrsgesetz, LGBL. Nr. 88/1994;

Salzburger Grundverkehrsgesetz, LGBL. Nr. 9/2002;

Steiermärkisches Grundverkehrsgesetz, LGBL. Nr. 134/1993;

Tiroler Grundverkehrsgesetz, LGBL. Nr. 61/1996;

Voralberger Grundverkehrsgesetz, LGBL. Nr. 42/2004; and

Wiener Ausländergrundverkehrsgesetz, LGBL. Nr. 11/1998.

CY: Immovable Property Acquisition (Aliens) Law (Chapter 109), as amended.

CZ: Act No. 503/2012, Coll. on State Land Office as amended.

DK: Danish Act on Acquisition of Real Property (Consolidation Act No. 265 of 21 March 2014 on Acquisition of Real Property);

Acquisition Executive Order (Executive Order No. 764 of 18 September 1995); and

The Agricultural Holdings Act (Consolidation Act No. 27 of 4 January 2017).

EE: Kinnisasja omandamise kitsendamise seadus (Restrictions on Acquisition of Immovables Act) Chapter 2 § 4, Chapter 3§ 10, 2017.

EL: Law 1892/1990, as it stands today, in combination, as far as the application is concerned, with the ministerial decision F.110/3/330340/S.120/7-4-14 of the Minister of National Defense and the Minister of Citizen Protection.

HR: Ownership and other Proprietary Rights Act (OG 91/96, 68/98, 137/99, 22/00, 73/00, 129/00, 114/01, 79/06, 141/06, 146/08, 38/09, 143/12, 152/14), Articles 354 to 358.b; Agricultural Land Act (OG 20/18, 115/18, 98/19) Article 2; General Administrative Procedure Act.

MT: Immovable Property (Acquisition by Non-Residents) Act (Cap. 246); and Protocol No 6 of the EU Accession Treaty on the acquisition of secondary residences in Malta.

PL: Law of 24 March 1920 on the Acquisition of Real Estate by Foreigners (Journal of Laws of 2016, item 1061 as amended).

With respect to Investment liberalisation – National treatment:

In HU: The purchase of real estate by non-residents is subject to obtaining authorisation from the appropriate administrative authority responsible for the geographical location of the property.

Measures:

HU: Government Decree No. 251/2014 (X. 2.) on the Acquisition by Foreign Nationals of Real Estate other than Land Used for Agricultural or Forestry Purposes; and Act LXXVIII of 1993 (Paragraph 1/A).

With respect to Investment liberalisation – National treatment, Most-favoured nation treatment:

In LV: Acquisition of urban land by nationals of Chile is permitted through juridical persons registered in Latvia or other Member States:

(i) if more than 50 % of their equity capital is owned by nationals of Member States, the Latvian government or a municipality, separately or in total;

(ii) if more than 50 % of their equity capital is owned by natural persons and companies of third country with whom Latvia has concluded bilateral agreements on promotion and reciprocal protection of investments and which have been approved by the Latvian Parliament before 31 December 1996;

(iii) if more than 50 % of their equity capital is possessed by natural persons and companies of third country with whom Latvia has concluded bilateral agreements on promotion and reciprocal protection of investments after 31 December 1996, if in those agreements the rights of Latvian natural persons and companies on acquisition of land in the respective third country have been determined;

(iv) if more than 50 % of their equity capital is possessed jointly by persons referred to in points (i) to (iii); or

(v) which are public joint stock companies, if their shares thereof are quoted in the stock exchange.

Where Chile allows Latvian nationals and enterprises to purchase urban real estate in their territories, Latvia will allow nationals and enterprises of Chile to purchase urban real estate in Latvia under the same conditions as Latvian nationals.

Measures:

LV: Law on land reform in the cities of the Republic of Latvia, Section 20 and 21.

With respect to Investment liberalisation – National treatment, Most-favoured-nation treatment:

In DE: Certain conditions of reciprocity may apply for the acquisition of real estate.

In ES: Foreign investment in activities directly relating to real estate investments for diplomatic missions by states that are not Member States requires an administrative authorisation from the Spanish Council of Ministers, unless there is a reciprocal liberalisation agreement in place.

In RO: Foreign nationals, stateless persons and juridical persons (other than nationals and juridical persons of a Member State of the EEA) may acquire property rights over lands, under the conditions regulated by international treaties, based on reciprocity. Foreign nationals, stateless persons and juridical persons may not acquire the property right over lands under more favourable conditions than those applicable to natural or juridical persons of the European Union.

Measures:

DE: Einführungsgesetz zum Bürgerlichen Gesetzbuche (EGBGB; Introductory Law to the Civil Code).

ES: Royal Decree 664/1999 of 23 April 1999 relating to foreign investment.

RO: Law 17/2014 on some measures regulating the selling-buying agricultural land situated outside town and amending; and

Law No 268/2001 on the privatization of companies that own land in public ownership and private management of the state for agricultural and establishing the State Domains Agency, with subsequent amendments.

Reservation No. 2 – Professional services (except health-related professions)

Sector – sub-sector:	Professional services – legal services; patent agent, industrial property agent, intellectual property attorney; accounting and bookkeeping services; auditing services, taxation advisory services; architecture and urban planning services, engineering services and integrated engineering services
Industry classification:	CPC 861, 862, 863, 8671, 8672, 8673, 8674, part of 879
Type of reservation:	National treatment
	Most-favoured-nation treatment
	Senior management and boards of directors
	Local presence
Chapter/Section:	Investment liberalisation, Cross-border trade in services
Level of government:	EU/Member State (unless otherwise specified)

Description:

(a) Legal services (part of CPC 861)[1]

For greater certainty, consistent with the Headnotes, in particular paragraph 9 requirements to register with a Bar may include a requirement to have obtained a law degree in the host country or its equivalent, or to have completed some training under the supervision of a licensed lawyer, or to have an office or a postal address within the jurisdiction of a specific Bar in order to be eligible to apply for membership in that Bar. Some Member States may impose the requirement of having the right to practise host-jurisdiction law on those natural persons holding certain positions within a law firm/company/enterprise or for shareholders.

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[1] For the purposes of this reservation:
(a) "domestic law" means the law of the specific Member State and European Union law;
(b) "public international law" excludes European Union law and includes law established by international treaties and conventions, as well as international customary law;
(c) "legal advice" includes provision of advice to and consultation with clients in matters, including transactions, relationships and disputes, involving the application or interpretation of law; participation with or on behalf of clients in negotiations and other dealings with third parties in such matters; and preparation of documents governed in whole or in part by law, and the verification of documents of any kind for purposes of and in accordance with the requirements of law;
(d) "legal representation" includes preparation of documents intended to be submitted to administrative agencies, the courts or other duly constituted official tribunals; and appearance before administrative agencies, the courts or other duly constituted official tribunals;
(e) "legal arbitration, conciliation and mediation" means the preparation of documents to be submitted to, the preparation for and appearance before, an arbitrator, conciliator or mediator in any dispute involving the application and interpretation of law. It does not include arbitration, conciliation and mediation services in disputes not involving the application and interpretation of law, which fall under services incidental to management consulting. It also does not include acting as an arbitrator, conciliator or mediator. As a sub-category, international legal arbitration, conciliation or mediation services refers to the same services when the dispute involves parties from two or more countries.

With respect to Investment liberalisation – National Treatment and Cross-border trade in services – National treatment, Local presence:

In EU: Legal representation of natural or juridical persons before the European Union Intellectual Property Office (EUIPO) may only be undertaken by a legal practitioner qualified in one of the Member States of the EEA and having their place of business within the EEA, to the extent that they are entitled, within the said Member State, to act as a representative in trade mark matters or in industrial property matters and by professional representatives whose names appear on the list maintained for this purpose by the EUIPO. (Part of CPC 861)

In AT: EEA or Swiss nationality as well as residency (commercial presence) is required for the practice of legal services in respect of domestic (European Union and Member State) law, including representation before courts. Only lawyers of EEA or Swiss nationality are allowed to provide legal services through commercial presence. The practice of legal services in respect of public international law and home country law is only allowed on a cross-border basis. Equity participation and shares in the operating result of any law firm by foreign lawyers (who must be fully qualified in their home country) is allowed up to 25 %; the rest must be held by fully qualified EEA or Swiss lawyers and only the latter may exercise decisive influence in the decision making of the law firm.

In BE: (with respect also to Most-favoured-nation treatment) Residency is required for full admission to the Bar, and necessary for the practice of legal services in respect of Belgian domestic law, including representation before courts. The residency requirement for a foreign lawyer to obtain full admission to the Bar is at least six years from the date of application for registration, three years under certain conditions. Requirement to have a certificate issued by the Belgian Minister of Foreign Affairs under which the national law or international convention allows reciprocity (reciprocity condition).

Foreign lawyers may practise as legal consultants. Lawyers who are members of foreign (non-EU) Bars and want to establish in Belgium but do not meet the conditions for registration on the Tableau of fully qualified lawyers, on the EU-list or on the List of Trainee Lawyers, may request registration on the "B-List". Only at the Brussels Bar there exists such a "B-List". A lawyer on the B-List is allowed to give advice. Representation before "the Cour de Cassation" is subject to nomination on a specific list.

In BG: (with respect also to Most-favoured-nation treatment) Reserved to nationals of a Member State, of another State which is a party to the Agreement on the EEA, or of the Swiss Confederation who has been granted authorisation to pursue the profession of lawyer according to the legislation of any of the aforementioned countries. A foreign national (except for the above mentioned) who has been authorised to pursue the profession of lawyer in accordance with the legislation of his or her own country, may appeal before judicial bodies of the Republic of Bulgaria as defence-counsel or mandatary of a national of his or her own country, acting on a specific case, together with a Bulgarian attorney-at-law, in cases where this has been envisaged in an agreement between the Bulgarian and the respective foreign state, or on the basis of mutuality, making a preliminary request to this effect to the Chairperson of the Supreme Bar Council. Countries, in respect of which mutuality exists, shall be designated by the Minister of Justice, upon request of the Chairperson of the Supreme Bar Council. In order to provide legal mediation, a foreign national must have a permit for long-term or permanent residence in the Republic of Bulgaria and has been entered in the Uniform Register of Mediators with the Minister of Justice.

In CY: EEA or Swiss nationality as well as residency (commercial presence) is required. Only advocates enrolled in the Bar may be partners or shareholders or members of the board of directors in a law company in Cyprus.

In CZ: Full admission to the Bar is required. For the practice of legal services in respect of domestic (European Union and Member State) law, including representation before courts, EEA or Swiss nationality is required. For all legal services, residence (commercial presence) is required.

In DE: Only lawyers with EEA and Swiss qualification may be admitted to the Bar and are thus entitled to provide legal services in respect of domestic law. Commercial presence is required in order to obtain full admission to the Bar. Exemptions may be granted by the competent bar association. For foreign lawyers (with other than EEA and Swiss qualification) there may be restrictions for holding shares of a lawyers company which provides legal services in domestic law. Foreign lawyers can offer legal services in foreign law and in public international law when they prove expert knowledge, registration is required to provide legal services in Germany.

In DK: Legal services provided under the title "advokat" (advocate) or any similar title, as well as representation before the courts, is reserved for advocates with a Danish license to practice. EU, EEA and Swiss advocates may practice under the title of their country of origin.

Shares of a law firm can only be owned by advocates who actively practice law in the firm, its parent company or its subsidiary company, other employees in the firm, or another law firm registered in Denmark. Other employees in the firm may collectively only own less than 10 % of the shares and of the voting rights, and in order to be shareholders they must pass an exam on the rules of particular importance for the practice of law.

Only advocates who actively practice law in the firm, its parent company or its subsidiary company, other shareholders, and representatives of employees, may be members of the board. The majority of the members of the board must be advocates who actively practice law in the firm, its parent company or its subsidiary company. Only advocates who actively practice law in the firm, its parent company or its subsidiary company, and other shareholders having passed the exam mentioned above, may be a director of the law firm.

In EE: Residency (commercial presence) is required for the practice of legal services in respect of domestic (European Union and Member State) law, and participation in criminal proceedings representation before the Supreme Court.

In EL: EEA or Swiss nationality and residency (commercial presence) is required for the practice of legal services in respect of domestic (European Union and Member State) law, including representation before courts.

In ES: EEA or Swiss nationality is required for the practice of legal services in respect of domestic law, including representation before courts. The competent authorities may grant nationality waivers. Professional address is required in order to provide any legal services.

In FI: EEA or Swiss residency and Bar membership is required for the use of the professional title of "advocate" (in Finnish "asianajaja" or in Swedish "advokat"). Legal services, including Finnish domestic law, may also be provided by non-Bar members.

In FR: Residency or establishment in the EEA is required for full admission to the Bar, which is necessary for the practice of legal services in respect of domestic law, including representation before courts. Representation before "the Cour de Cassation" and "Conseil d'Etat" is subject to quotas and reserved for French and EU nationals. Members of a Bar in Chile may register as foreign legal consultant in France to offer certain legal services in France on a temporary or permanent basis, in respect of Chilean law and public international law. A business address within the jurisdiction of the French Bar of registration or establishment in the EEA is required to practice on a permanent basis.

In HR: European Union nationality is required for the practice of legal services in respect of domestic (European Union and Member State) law, including representation before courts. In proceedings involving public international law, parties may be represented before arbitration courts and ad hoc courts by foreign lawyers who are members of their home country bar association Only a lawyer who has the Croatian title of lawyer can establish a law firm (Chilean firms can establish branches, which may not employ Croatian lawyers)

In HU: Full admission to the Bar is subject to EEA or Swiss nationality and residency (commercial presence) for the practice of legal services in respect of domestic law, including representation before courts. Foreign lawyers may provide legal advice on home country and public international law in partnership with a Hungarian attorney or a law firm. A cooperation contract concluded with a Hungarian attorney (ügyvéd) or law firm (ügyvédi iroda) is required. A foreign legal adviser cannot be a member of a Hungarian law firm. A foreign lawyer is not authorized for the preparation of documents to be submitted to, or act as the client's legal representative before an arbitrator, conciliator or mediator in any dispute.

In LT: (With respect also to Most-favoured-nation treatment) EEA or Swiss nationality and residency (commercial presence) is required for the practice of legal services in respect of domestic (European Union and Member State) law, including representation before courts.

Attorneys from foreign countries can practice as advocates in court only in accordance with international agreements, including specific provisions regarding representation before courts.

In LU (with respect also to Most-favoured-nation treatment): EEA or Swiss nationality and residency (commercial presence) is required for the practice of legal services in respect of domestic law, including representation before courts.

The Council of the Order may, on the basis of reciprocity, agree to waive the nationality requirement for a foreign national.

In LV (with respect also to Most-favoured-nation treatment): EEA or Swiss nationality is required for the practice of domestic law, including representation before courts. Attorneys from foreign countries can practice as advocates in court only in accordance with bilateral agreements on mutual legal assistance.

For European Union or foreign advocates, special requirements exist. For example, participation in court proceedings in criminal cases is only permitted in association with an advocate of the Latvian Collegium of Sworn Advocates.

In MT: EEA or Swiss nationality as well as residency (commercial presence) is required for the practice of legal services in respect of domestic law, including representation before courts.

In NL: Only locally-licensed lawyers registered in the Dutch registry can use the title "advocate". Instead of using the full term "advocate", (non-registered) foreign lawyers are obliged to mention their home country professional organisation for the purposes of their activities in the Netherlands.

In PT (with respect also to Most-favoured-nation treatment): residency (commercial presence) is required in order to practice Portuguese domestic law. For representation before courts, full admission to the Bar is required. Foreigners holding a diploma awarded by any Faculty of Law in Portugal, may register with the Portuguese Bar (Ordem dos Advogados), under the same terms as Portuguese nationals, if their respective country grants Portuguese nationals reciprocal treatment.

Other foreigners holding a Degree in Law which has been acknowledged by a Faculty of Law in Portugal may register as members of the Bar Association provided they undergo the required training and pass the final assessment and admission exam. Only law firms where the shares belong exclusively to lawyers admitted to the Portuguese Bar can practise in Portugal.

Legal consultation is allowed in any area of foreign and public international law by jurists of recognized merit, masters and doctors in law (even if non-lawyers and non-university professors), provided they have their professional residence ("domiciliação") in PT, pass an admission exam and are registered in the Bar.

In RO: A foreign lawyer may not make oral or written conclusions before the courts and other judicial bodies, except for international arbitration.

In SE: (with respect also to Most-favoured-nation treatment) EEA or Swiss residency is required for admission to the Bar and use of the title of "advokat". Exemptions may be granted by the board of the Swedish Bar Association. Admission to the Bar is not necessary for the practice of Swedish domestic law. A member of the Swedish Bar Association may not be employed by anyone other than a Bar member or a company conducting the business of a Bar member. However, a Bar member may be employed by a foreign company conducting the business of an advocate, provided that the company in question is domiciled in a country within the European Union, the EEA or Switzerland. Subject to an exemption from the Board of the Swedish Bar Association, a member of the Swedish Bar Association may also be employed by a non-European Union law firm.

Bar members conducting their practice in the form of a company or a partnership may not have any other objective and may not carry out any other business than the practice of an advocate. Collaboration with other advocate businesses is permitted, however, collaboration with foreign businesses requires permission by the Board of the Swedish Bar Association. Only a Bar member may directly or indirectly, or through a company, practice as an advocate, own shares in the company or be a partner. Only a member may be a member or deputy member of the Board or deputy managing director, or an authorised signatory or secretary of the company or the partnership.

In SI: (with respect also to Most-favoured-nation treatment) Representing clients before the court against payment is conditioned by commercial presence in Republic of Slovenia. A foreign lawyer who has the right to practice law in a foreign country may perform legal services or practice law under the conditions laid down in Article 34a of the Attorneys Act, provided the condition of actual reciprocity is fulfilled.

Commercial presence for appointed attorneys by the Slovene Bar Association is restricted to sole proprietorship, law firm with limited liability (partnership) or to a law firm with unlimited liability (partnership) only. The activities of a law firm shall be restricted to the practice of law. Only attorneys may be partners in a law firm.

In SK: (with respect also to Most-favoured-nation treatment) EEA nationality as well as residency (commercial presence) in the Slovak Republic is required for the practice of legal services in respect of domestic law, including representation before courts. For non-EU lawyers actual reciprocity is required.

Measures:

EU: Article 120 of Regulation (EU) 2017/1001 of the European Parliament and of the Council[1];

[1] Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark (OJ EU L 154, 16.6.2017, p. 1).

Article 78 of Council Regulation (EC) No 6/2002 of 12 December 2001[1].

AT: Rechtsanwaltsordnung (Lawyers Act) - RAO, RGBl. Nr. 96/1868, Articles 1 and 21c.; Rechtsanwaltsgesetz - EIRAG, BGBl. Nr. 27/2000 as amended; § 41 EIRAG

BE: Belgian Judicial Code (Articles 428-508); Royal Decree of 24 August 1970.

BG: Attorney Law; Law for Mediation; and Law for the Notaries and Notarial Activity.

CY: Advocates Law (Chapter 2), as amended.

CZ: Act No. 85/1996 Coll., the Legal Profession Act.

DE:

Bundesrechtsanwaltsordnung (BRAO; Federal Lawyers Act);

Gesetz über die Tätigkeit europäischer Rechtsanwälte in Deutschland (EuRAG); and § 10

Rechtsdienstleistungsgesetz (RDG).

[1] Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs (OJ EU L 3, 5.1.2002, p. 1).

DK: Retsplejeloven (Administration of Justice Act) chapters 12 and 13 (Consolidated Act No. 1284 of 14 November 2018).

EE: Advokatuuriseadus (Bar Association Act);

Tsiviilkohtumenetluse seadustik (Code of Civil Procedure); halduskohtumenetluse seadustik (Code of Administrative Court Procedure); kriminaalmenetluse seadustik (Code of Criminal Procedure);

and väärteomenetluse seadustik (Code of Misdemeanour Procedure).

EL: New Lawyers' Code n. 4194/2013.

ES: Estatuto General de la Abogacía Española, aprobado por Real Decreto 658/2001, Article 13.1ª.

FI: Laki asianajajista (Advocates Act) (496/1958), ss. 1 and 3; and Oikeudenkäymiskaari (4/1734) (Code of Judicial Procedure).

FR: Loi 71-1130 du 31 décembre 1971, Loi 90- 1259 du 31 décembre 1990 and Ordonnance du 10 septembre 1817 modifiée.

HR: Legal Profession Act (OG 9/94, 117/08, 75/09, 18/11).

HU: Act LXXVIII of 2017 on the professional activities of attorneys-at-law.

LT: Law on the Bar of the Republic of Lithuania of 18 March 2004 No. IX-2066 as last amended on 12 December 2017 by law No XIII-571.

LU: Loi du 16 décembre 2011 modifiant la loi du 10 août 1991 sur la profession d'avocat.

LV: Criminal Procedure Law, s. 79; and Advocacy Law of the Republic of Latvia, s. 4.

MT: Code of Organisation and Civil Procedure (Cap. 12).

NL: Advocatenwet (Act on Advocates).

PT: Law 145/2015, 9 set., alterada p/ Lei 23/2020, 6 jul. (art.º 194 substituído p/ art.º 201.º; e art.º 203.º substituído p/ art.º 213.º);

Portuguese Bar Statute (Estatuto da Ordem dos Advogados) and Decree-Law 229/2004, Articles 5, 7 – 9; Decree-law 88/2003, Articles 77 and 102; Solicitadores Public Professional Association Statute (Estatuto da Câmara dos Solicitadores), as amended by Law 49/2004, mas alterada p/ Lei 154/2015, 14 set; by Law 14/2006 and by Decree-Law n.º 226/2008 alterado p/ Lei 41/2013, 26 jun;

Law 78/2001, Articles 31, 4 Alterada p/ Lei 54/2013, 31 jul.; Regulation of family and labour mediation (Ordinance 282/2010), alterada p/ Portaria 283/2018, 19 out; Law 21/2007 on criminal mediation, Article 12; Law 22/2013, 26 fev., alterada p/ Lei 17/2017, 16 maio, alterada pelo Decreto-Lei 52/2019, 17 abril.

RO: Attorney Law; Law for Mediation; and Law for the Notaries and the Notarial Activity.

SE: Rättegångsbalken (The Swedish Code of Judicial Procedure) (1942:740); and Swedish Bar Association Code of Conduct adopted 29 August 2008.

SI: Zakon o odvetništvu (Neuradno prečiščeno besedilo-ZOdv-NPB8 Državnega Zbora RS z dne 7 junij 2019 (Attorneys Act) unofficial consolidated text prepared by the Slovenian parliament from 7 June 2019).

SK: Act 586/2003 on Advocacy, Articles 2 and 12.

With respect to Investment liberalisation – National Treatment:

In PL: Foreign lawyers may establish only in the form of a registered partnership, a limited partnership or a limited joint-stock partnership.

Measures:

PL: Act of 5 July 2002 on the provision by foreign lawyers of legal assistance in the Republic of Poland, Article 19; The Law on Tax Advisory

With respect to Cross-Border Trade in Services – Local presence:

In IE, IT: Residency (commercial presence) is required for the practice of legal services in respect of domestic (European Union and Member State) law, including representation before courts.

Measures:

IE: Solicitors Acts 1954-2011.

IT: Royal Decree 1578/1933, Article 17 law on the legal profession.

(b) Patent agents, industrial property agents, intellectual property attorneys (part of CPC 879, 861, 8613)

With respect to Investment liberalisation – National treatment and Cross-border trade in services – Local presence:

In AT: EEA or Swiss nationality is required for the practice of patent agency services, residency there is required.

In BG, and CY: EEA or Swiss nationality is required for the practice of patent agency services. In CY, residency is required.

In DE: Only patent lawyers having EEA and Swiss qualifications may be admitted to the Bar and are thus entitled to provide patent agent services in Germany in domestic law. Commercial presence is required in order to obtain full admission to the Bar. Exemptions may be granted by the bar association. Foreign patent lawyers can offer legal services in foreign law when they prove expert knowledge, registration is required for legal services in Germany. Foreign (other than EEA and Swiss qualification) patent lawyers may not establish a firm together with national patent lawyers.

Foreign (other than EEA and Swiss) patent lawyers may have their commercial presence only in the form of a Patentanwalts-GmbH or Patentanwalt-AG by acquiring a minority share.

In EE: Estonian or EU nationality as well as permanent residency is required for the practice of patent agency services.

In ES and PT: EEA nationality is required for the practice of industrial property agent services.

In FR: To be registered on the industrial property agent services list, establishment or residency in the EEA is required. EEA nationality is required for natural persons. To represent a client in front of the national intellectual property office, establishment in the EEA is required. More than half of shares and voting rights must be held by EEA professionals. Law firms may be entitled to provide industrial property agent services (see reservation for legal services).

With respect to Investment liberalisation – National treatment and Cross-border trade in services – National treatment:

In LV: EU nationality required for patent attorneys.

Measure:

LV: The Law on Industrial Property Institutions and Procedures Chapter XVIII (Articles 119-136).

With respect to Cross-border trade in services – Local presence:

In FI and HU: EEA residency is required for the practice of patent agency services.

In SI: Residency in Slovenia is required for a holder/applicant of registered rights (patents, trademarks, design protection). Alternatively, a patent agent or a trademark and design agent registered in Slovenia is required for the main purpose of services of process, notification, etc.

Measures:

AT: Patent Attorney Act, BGBl. 214/1967 as amended, §§ 2 and 16a

BG: Chapter 8b of the Act on Patents and Registration of Utility Models.

CY: Advocates Law (Chapter 2), as amended.

DE: Patentanwaltsordnung (PAO), Gesetz über die Tätigkeit europäischer Patentanwälte in Deutschland (EuPAG) and § 10 Rechtsdienstleistungsgesetz (RDG).

EE: Patendivoliniku seadus (Patent Agents Act) § 2, § 14.

ES: Ley 11/1986, de 20 de marzo, de Patentes de Invención y Modelos de utilidad, Articles 155-157.

FI: Tavaramerkkilaki (Trademarks Act) (7/1964);

Laki auktorisoiduista teollisoikeusasiamiehistä (Act on Authorised Industrial Property Attorneys) (22/2014); and

Laki kasvinjalostajanoikeudesta (Plant Breeder's Right Act) 1279/2009; and Mallioikeuslaki (Registered Designs Act) 221/1971.

FR: Code de la propriété intellectuelle.

HU: Act XXXII of 1995 on Patent Attorneys.

PT: Decree-Law 15/95, as modified by Law 17/2010, by Portaria 1200/2010, Article 5, and by Portaria 239/2013; and Law 9/2009.

SI: Zakon o industrijski lastnini (Industrial Property Act), Uradni list RS, št. 51/06 – uradno prečiščeno besedilo in 100/13 and 23/20 (Official Gazette of the Republic of Slovenia, No. 51/06 – official consolidated text 100/13 and 23/20).

With respect to Investment liberalisation – National treatment and Cross-border trade in services – National Treatment, Local presence:

In IE: For establishment, at least one of the directors, partners, managers or employees of a company to be registered as a patent or intellectual property attorney in Ireland. Cross-border basis requires EEA nationality and commercial presence, principal place of business in an EEA Member State, qualification under the law of an EEA Member State.

Measures:

IE: Section 85 and 86 of the Trade Marks Act 1996, as amended;

Rule 51, Rule 51A and Rule 51B of the Trade Marks Rules 1996, as amended; Section 106 and 107 of the Patent Act 1992, as amended; and Register of Patent Agent Rules S.I. 580 of 2015.

(c) Accounting and bookkeeping services (CPC 8621 other than auditing services, 86213, 86219, 86220)

With respect to Investment liberalisation – National treatment and Cross-border trade in services – Local presence:

In AT: The capital interests and voting rights of foreign accountants, bookkeepers, qualified according to the law of their home country, in an Austrian enterprise may not exceed 25 %. The service supplier must have an office or professional seat in the EEA (CPC 862).

In FR: Establishment or residency is required.

In IT: Residence or business domicile is required for enrolment in the professional register, which is necessary for the provision of accounting and bookkeeping services (CPC 86213, 86219, 86220).

In PT: (with respect also to Most-favoured-nation treatment): Residence or business domicile is required for enrolment in the professional register by the Chamber of Certified Accountants (Ordem dos Contabilistas Certificados), which is necessary for the provision of accounting services, provided that there is reciprocal treatment for Portuguese nationals.

Measures:

AT: Wirtschaftstreuhandberufsgesetz (Public Accountant and Auditing Profession Act, BGBl. I Nr. 58/1999), § 12, § 65, § 67, § 68 (1) 4; and

Bilanzbuchhaltungsgesetz (BibuG), BGBL. I Nr. 191/2013, §§ 7, 11, 28.

FR: Ordonnance 45-2138 du 19 septembre 1945.

IT: Legislative Decree 139/2005; and Law 248/2006.

PT: Decree-Law n.º 452/99, changed by Law n.º 139/2015, september 7th.

With respect to Cross-border trade in services – Local presence:

In SI: Establishment in the European Union is required in order to provide accounting and bookkeeping services (CPC 86213, 86219, 86220).

Measures:

SI: Act on services in the internal market, Official Gazette RS No 21/10.

(d) Auditing services (CPC – 86211, 86212 other than accounting and bookkeeping services)

With respect to Investment liberalisation – National treatment, Most-favoured nation treatment and Cross-border trade in services – National treatment, Most-favoured nation treatment:

In EU: Supply of statutory auditing services requires approval by the competent authorities of a Member State that may recognise the equivalence of the qualifications of an auditor who is a national of Chile or of any third country subject to reciprocity (CPC 8621).

Measures:

EU: Directive 2013/34/EU of the European Parliament and of the Council[1]; and Directive 2006/43/EC of the European Parliament and of the Council[2].

Measures:

BG: Independent Financial Audit Act.

With respect to Investment liberalisation – National treatment, and Cross-border trade in services – Local presence:

In AT: The capital interests and voting rights of foreign auditors, qualified according to the law of their home country, in an Austrian enterprise may not exceed 25 %. The service supplier must have an office or professional seat in the EEA.

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1 Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ EU L 182, 29.6.2013, p. 19).

2 Directive 2006/43/EC of the European Parliament and of the Council of 17 May 2006 on statutory audits of annual accounts and consolidated accounts, amending Council Directives 78/660/EEC and 83/349/EEC and repealing Council Directive 84/253/EEC (OJ EU L 157, 9.6.2006, p. 87).

Measures:

AT: Wirtschaftstreuhandberufsgesetz (Public Accountant and Auditing Profession Act, BGBl. I Nr. 58/1999), § 12, § 65, § 67, § 68 (1) 4.

With respect to Cross-border trade in services – Local presence:

In DK: Provision of statutory auditing services requires Danish approval as an auditor. Approval requires residency in a Member State of the EEA. Voting rights in approved audit firms of auditors and audit firms not approved in accordance with regulation implementing the Directive 2006/43/EC based on Article 54(3)(g) of the Treaty on statutory audit must not exceed 10 % of the voting rights.

In FR: (with respect also to Most-favoured-nation treatment) For statutory audits: establishment or residency is required. Chilean nationals may provide statutory auditing services in France, subject to reciprocity.

In PL: Establishment in the European Union is required in order to provide auditing services.

Measures:

DK: Revisorloven (The Danish Act on Approved Auditors and Audit Firms), Act No. 1287 of 20 November 2018.

FR: Code de commerce

PL: Act of 11 May 2017 on statutory auditors, audit firms and public oversight – Journal of Laws of 2017, item 1089.

With respect to Investment liberalisation – National treatment and Cross-border trade in services – National treatment:

In CY: Authorisation is required, subject to an economic needs test. Main criteria: the employment situation in the sub-sector. Professional associations (partnerships) between natural persons are permitted.

In SK: Only an enterprise in which at least 60 % of capital interests or voting rights are reserved to Slovak nationals or nationals of a Member State may be authorised to carry out audits in the Slovak Republic.

Measures:

CY: Auditors Law of 2017 (Law 53(I)/2017).

SK: Act No. 423/2015 on Statutory audit.

With respect to Cross-border trade in services – National treatment, Local presence:

In DE: Auditors from third countries registered in accordance with Article 134 WPO may carry out the statutory audit of annual fiscal statements or provide the consolidated financial statements of a company with its headquarters outside the European Union, whose transferable securities are offered for trading in a regulated market.

Measures:

DE: Handelsgesetzbuch (HGB; Code of Commercial Law);

Gesetz über eine Berufsordnung der Wirtschaftsprüfer (Wirtschaftsprüferordnung - WPO; Public Accountant Act).

With respect to Investment liberalisation – National treatment and Cross-border trade in services – National treatment:

In ES: statutory auditors must be a national of a Member State. This reservation does not apply to the auditing of non-European Union companies listed in a Spanish regulated market.

Measures:

ES: Ley 22/2015, de 20 de julio, de Auditoría de Cuentas (new Auditing Law: Law 22/2015 on Auditing services).

With respect to Investment liberalisation – National treatment, Most-favoured nation treatment and Cross-border trade in services – Local presence:

In SI Commercial presence is required. A third country audit entity may hold shares or form partnerships in Slovenian audit company provided that, under the law of the country in which the third-country audit entity is incorporated, Slovenian audit companies may hold shares or form partnership in an audit entity in that country (reciprocity requirement).

Measures:

SI: Auditing Act (ZRev-2), Official Gazette RS No 65/2008 (as last amended No 84/18); and Companies Act (ZGD-1), Official Gazette RS No 42/2006 (as last amended No 22/19 - ZPosS).

With respect to Investment liberalisation – National treatment

In EE: The majority of the votes represented by the shares of an audit firm shall belong to sworn auditors subject to supervision of a competent authority of a EEA Member State, who have acquired their qualification in an EEA Member State, or to audit firms. At least three-fourths of the persons representing an audit firm on the basis of law shall have acquired their qualifications in an EEA Member State.

Measures:

EE: Auditors Activities Act (Audiitortegevuse seadus) § 76-77

With respect to Cross-border trade in services – Local presence:

In BE: An establishment in Belgium is required where the professional activity will take place and where acts, documents and correspondence relating to it will be maintained, and to have at least one administrator or manager of the establishment approved as auditor.

In FI: EEA residency required for at least one of the auditors of a Finnish Limited Liability company and of companies which are under the obligation to carry out an audit. An auditor must be a locally-licensed auditor or a locally-licensed audit firm.

In HR: Auditing services may be provided only by juridical persons established in Croatia or by natural persons resident in Croatia.

In IT: Residency is required for the provision of auditing services by natural persons.

In LT: Establishment in the EEA is required for the provision of auditing services.

In SE: Only auditors approved in Sweden and auditing firms registered in Sweden may perform statutory auditing services. EEA residency is required. The titles of "approved auditor" and "authorised auditor" may only be used by auditors approved or authorised in Sweden. Auditors of co-operative economic associations and certain other enterprises who are not certified or approved accountants must be resident within the EEA, unless the Government, or a Government authority appointed by the Government, in a particular case allows otherwise.

Measures:

BE: Law of July 22nd, 1953 creating an Institute of the Auditors of Firms and organising the public supervision of the occupation of auditor of firms, coordinated on April 30th, 2007. (Public Accountant Act).

FI: Tilintarkastuslaki (Auditing Act) (459/2007), Sectoral laws requiring the use of locally licensed auditors.

HR: Audit Act (OG 146/05, 139/08, 144/12), Article 3.

IT: Legislative Decree 58/1998, Articles 155, 158 and 161;

Decree of the President of the Republic 99/1998; and Legislative Decree 39/2010, Article 2.

LT: Law on Audit of 15 June 1999 No. VIII -1227 (a new version of 3 July 2008 No. X1676).

SE: Revisorslagen (Auditors Act) (2001:883);

Revisionslag (Auditing Act) (1999:1079);

Aktiebolagslagen (Companies Act) (2005:551);

Lag om ekonomiska föreningar (The Co-operative Economic Associations Act) (2018:672); and

Others, regulating the requirements to make use of approved auditors.

(e) Taxation advisory services (CPC 863, not including legal advice and legal representation on tax matters, which are to be found under legal services)

With respect to Investment liberalisation – National treatment and Cross-border trade in services – Local presence:

In AT: The capital interests and voting rights of foreign tax advisors, qualified according to the law of their home country, in an Austrian enterprise may not exceed 25 %. The service supplier must have an office or professional seat in the EEA.

Measures:

AT: Wirtschaftstreuhandberufsgesetz (Public Accountant and Auditing Profession Act, BGBl. I Nr. 58/1999), § 12, § 65, § 67, § 68 (1) 4.

With respect to Cross-border trade in services – Local presence:

In FR: Establishment or residency is required.

Measures:

FR: Ordonnance 45-2138 du 19 septembre 1945.

With respect to Investment liberalisation – National treatment and Cross-border trade in services – National treatment:

In BG: Nationality of a Member State is required for tax advisors.

Measures:

BG: Accountancy Act;

Independent Financial Audit Act; Income Taxes on Natural Persons Act; and Corporate Income Tax Act.

With respect to Cross-border trade in services – Local presence:

In HU: EEA residency is required for the supply of taxation advisory services, insofar as they are being supplied by a natural person present in the territory of Hungary.

In IT: Residency is required.

Measures:

HU: Act XCII of 2003 on the Rules of Taxation; and

Decree of the Ministry of Finance no. 26/2008 on the licensing and registration of taxation advisory activities.

IT: Legislative Decree 139/2005; and Law 248/2006.

(f) Architecture and urban planning services, engineering and integrated engineering services (CPC 8671, 8672, 8673, 8674)

With respect to Investment liberalisation – National treatment and Cross-border trade in services – National treatment:

In BG: Residency in the EEA or the Swiss Confederation is required for architecture, urban planning and engineering services provided by natural persons. For architectural and engineering projects of national or regional significance, foreign investors must act in partnership with, or as subcontractors to, local investors (CPC 8671, 8672, 8673).

Measures:

BG: Spatial Development Act;

Chamber of Builders Act; and

Chambers of Architects and Engineers in Project Development Design Act.

With respect to Investment liberalisation – National treatment and Cross-border trade in services – National treatment:

In HR: A design or project created by a foreign architect, engineer or urban planner must be validated by an authorised natural or juridical person in Croatia with regard to its compliance with Croatian Law (CPC 8671, 8672, 8673, 8674).

Measures:

HR: Act on Physical Planning and Building Activities (OG 118/18, 110/19)

Physical Planning Act (OG 153/13, 39/19).

With respect to Investment liberalisation – National treatment and Cross-border trade in services – National treatment, Local presence:

In CY: Nationality and residency condition applies for the provision of architecture and urban planning services, engineering and integrated engineering services (CPC 8671, 8672, 8673, 8674).

Measures:

CY: Law 41/1962 as amended; Law 224/1990 as amended; and Law 29(I)2001 as amended.

With respect to Cross-border trade in services – Local presence:

In CZ: Residency in the EEA is required.

In HU: EEA residency is required for the supply of the following services, insofar as they are being supplied by a natural person present in the territory of Hungary: architectural services, engineering services (only applicable to graduate trainees), integrated Engineering services and landscape architectural services (CPC 8671, 8672, 8673, 8674).

In IT: residency or professional domicile/business address in Italy is required for enrolment in the professional register, which is necessary for the exercise of architectural and engineering services (CPC 8671, 8672, 8673, 8674).

In SK: Residency in the EEA is required for registration in the professional chamber, which is necessary for the exercise of architectural and engineering services (CPC 8671, 8672, 8673, 8674).

Measures:

CZ: Act no. 360/1992 Coll. on practice of profession of authorised architects and authorised engineers and technicians working in the field of building constructions.

HU: Act LVIII of 1996 on the Professional Chambers of Architects and Engineers.

IT: Royal Decree 2537/1925 regulation on the profession of architect and engineer;
Law 1395/1923; and

Decree of the President of the Republic (D.P.R.) 328/2001.

SK: Act 138/1992 on Architects and Engineers, Articles 3, 15, 15a, 17a and 18a.

With respect to Cross-border trade in services – National treatment:

In BE: the provision of architectural services includes control over the execution of the works (CPC 8671, 8674). Foreign architects authorised in their host countries and wishing to practice their profession on an occasional basis in Belgium are required to obtain prior authorisation from the Council of Order in the geographical area where they intend to practice their activity.

Measures:

BE: Law of February 20, 1939 on the protection of the title of the architect's profession; and Law of 26th June 1963, which creates the Order of Architects Regulations of December 16th, 1983 of ethics established by national Council in the Order of Architects (Approved by Article 1st of A.R. of April 18th, 1985, M.B., May 8th, 1985).

Reservation No. 3 – Professional services (health related and retail of pharmaceuticals)

Sector – sub-sector:	Professional services – medical (including psychologists) and dental services; midwives, nurses, physiotherapists and paramedical personnel; veterinary services; retail sales of pharmaceutical, medical and orthopaedic goods and other services provided by pharmacists
Industry classification:	CPC 9312, 93191, 932, 63211
Type of reservation:	National treatment
	Most-favoured-nation treatment
	Senior management and boards of directors
	Local presence
Chapter/Section:	Investment Liberalisation and Cross-Border Trade in Services

Description:

(a) Medical, dental, midwives, nurses, physiotherapists and para-medical services (CPC 9312, 93191)

With respect to Investment liberalisation – National treatment, Most favoured nation treatment and Cross-border trade in services – National treatment, Most favoured nation treatment:

In IT: European Union nationality is required for the services provided by psychologists, foreign professionals may be allowed to practice based on reciprocity (part of CPC 9312).

Measures:

IT: Law 56/1989 on the psychologist profession.

With respect to Investment liberalisation – National treatment and Cross-border trade in services – National treatment, Local presence:

In CY: Cypriot nationality and residency condition applies for the provision of medical (including psychologists), dental, midwives, nurses, physiotherapists and para-medical services.

Measures:

CY: Registration of Doctors Law (Chapter 250) as amended;

Registration of Dentists Law (Chapter 249) as amended;

Law 75(I)/2013 – Podologists;

Law 33(I)/2008 as amended – Medical Physics;

Law 34(I)/2006 as amended – Occupational Therapists;

Law 9(I)/1996 as amended – Dental Technicians;

Law 68(I)/1995 as amended – Psychologists;

Law 16(I)/1992 as amended – Opticians;

Law 23(I)/2011 as amended – Radiologists/Radiotherapists;

Law 31(I)/1996 as amended – Dieticians/Nutritionists;

Law 140/1989 as amended – Physiotherapists; and

Law 214/1988 as amended – Nurses.

With respect to Cross-border trade in services – Local presence:

In DE [:] Doctors (including psychologists, psychotherapists, and dentists) need to register with the regional associations of statutory health insurance physicians or dentists (kassenärztliche or kassenzahnärztliche Vereinigungen), if they wish to treat patients insured by the statutory sickness funds.

For midwives services, access is restricted to natural persons only. For medical and dental services, access is possible for natural persons, licensed medical care centres and mandated bodies. Establishment requirements may apply.

Measures:

DE: Bundesärzteordnung (BÄO; Federal Medical Regulation);

Gesetz über die Ausübung der Zahnheilkunde (ZHG);

Gesetz über den Beruf der Psychotherapeutin und des Psychotherapeuten (PsychThG; Act on the Provision of Psychotherapy Services);

Gesetz über die berufsmäßige Ausübung der Heilkunde ohne Bestallung (Heilpraktikergesetz);

Gesetz über das Studium und den Beruf von Hebammen(HebG); Bundes-Apothekerordnung; Additional legislation with regard to midwives can exist on regional level.

Gesetz über die Pflegeberufe (PflBG);

Sozialgesetzbuch Fünftes Buch (SGB V; Social Code, Book Five) – Statutory Health Insurance.

Regional level:

Heilberufekammergesetz des Landes Baden-Württemberg;

Gesetz über die Berufsausübung, die Berufsvertretungen und die Berufsgerichtsbarkeit der Ärzte, Zahnärzte, Tierärzte, Apotheker sowie der Psychologischen Psychotherapeuten und der Kinder- und Jugendlichenpsychotherapeuten (Heilberufe-Kammergesetz – HKaG) in Bayern;

Berliner Heilberufekammergesetz (BlnHKG);

Hamburgisches Kammergesetz für die Heilberufe (HmbKGH); Gesetz über die Berufsgerichtsbarkeit der Heilberufe; Hamburgisches Gesetz über die Ausübung des Berufs der Hebamme und des Entbindungspflegers (Hamburgisches Hebammengesetz);

Heilberufsgesetz Brandenburg (HeilBerG);

Bremisches Gesetz über die Berufsvertretung, die Berufsausübung, die Weiterbildung und die Berufsgerichtsbarkeit der Ärzte, Zahnärzte, Psychotherapeuten, Tierärzte und Apotheker (Heilberufsgesetz - HeilBerG);

Niedersächsisches Kammergesetz für die Heilberufe (Heilkammergesetz – HKG);

Niedersächsisches Gesetz über die Ausübung des Hebammenberufs (NHebG)
Heilberufsgesetz Mecklenburg-Vorpommern (Heilberufsgesetz M-V – HeilBerG);

Heilberufsgesetz (HeilBG NRW);

Heilberufsgesetz (HeilBG Rheinland-Pfalz);

Gesetz über die öffentliche Berufsvertretung, die Berufspflichten, die Weiterbildung und die Berufsgerichtsbarkeit der Ärzte/ Ärztinnen, Zahnärzte/ Zahnärztinnen, psychologischen Psychotherapeuten/ Psychotherapeutinnen und Kinder- und Jugendlichenpsychotherapeuten/psychotherapeutinnen, Tierärzte/Tierärztinnen und Apotheker/Apothekerinnen im Saarland (Saarländisches Heilberufekammergesetz – SHKG);

Gesetz über Berufsausübung, Berufsvertretungen und Berufsgerichtsbarkeit der Ärzte, Zahnärzte, Tierärzte, Apotheker sowie der Psychologischen Psychotherapeuten und der Kinder- und Jugendlichenpsychotherapeuten im Freistaat Sachsen (Sächsisches Heilberufekammergesetz – SächsHKaG)and Thüringer Heilberufegesetz.

With respect to Investment liberalisation – National treatment and Cross-border trade in services – Local presence:

In FR: While other types of legal form are also available for Union investors, foreign investors only have access to the legal forms of "société d'exercise liberal"(SEL) and "société civile professionnelle" (SCP). For medical, dental and midwives services, French nationality is required. However, access by foreigners is possible within annually established quotas. For medical, dental and midwives services and services by nurses, provision through SEL à forme anonyme, à responsabilité limitée par actions simplifiée ou en commandite par actions SCP, société coopérative (for independent general and specialised practitioners only) or société interprofessionnelle de soins ambulatoires (SISA) for multidisciplinary health home (MSP) only.

Measures:

FR: Loi 90-1258 relative à l'exercice sous forme de société des professions libérales, Loi n°2011-940 du 10 août 2011 modifiant certaines dispositions de la loi n°2009-879 dite HPST, Loi n°47-1775 portant statut de la coopération; and Code de la santé publique.

(b) Veterinary services (CPC 932)

With respect to Investment liberalisation – National treatment, Most-favoured nation treatment and Cross-border trade in services – National treatment, Most-favoured nation treatment:

In AT: Only nationals of a Member State of the EEA may provide veterinary services. The nationality requirement is waived for nationals of a non-Member State of the EEA where there is a Union agreement with that non-Member State of the EEA providing for national treatment with respect to investment and cross-border trade of veterinary services.

In ES: Membership in the professional association is required for the practice of the profession and requires European Union nationality, which may be waived through a bilateral professional agreement.

In FR: EEA nationality is required for the supply of veterinary services, but the nationality requirement may be waived subject to reciprocity. The legal forms available to a company providing veterinary services are limited to SCP (Société civile professionnelle) and SEL (Société d'exercise liberal). Non-discriminatory legal forms apply, however other legal forms of company provided for by French domestic law or the law of another Member State of the EEA and having their registered office, central administration or principal place of business therein may be authorised, under certain conditions.

Measures:

AT: Tierärztegesetz (Veterinary Act), BGBl. Nr. 16/1975, §3 (2) (3).

ES: Real Decreto 126/2013, de 22 de febrero, por el que se aprueban los Estatutos Generales de la Organización Colegial Veterinaria Española; Articles 62 and 64.

FR: Code rural et de la pêche maritime.

With respect to Investment liberalisation – National treatment and Cross-border trade in services – National treatment, Local presence:

In CY: Nationality and residency condition applies for the provision of veterinary services.

In EL: EEA or Swiss nationality is required for the supply of veterinary services.

In HR: Only legal and natural persons established in a Member State for the purpose of conducting veterinary activities can supply cross border veterinary services in the Republic of Croatia. Only Union nationals can establish a veterinary practice in the Republic of Croatia.

In HU: EEA nationality is required for membership of the Hungarian Veterinary Chamber, necessary for supplying veterinary services.

Measures:

CY: Law 169/1990 as amended.

EL: Presidential Degree 38/2010, Ministerial Decision 165261/IA/2010 (Gov. Gazette 2157/B).

HR: Veterinary Act (OG 83/13, 148/13, 115/18), Articles 3 (67), Articles 105 and 121.

HU: Act CXXVII of 2012 on the Hungarian Veterinary Chamber and on the conditions how to supply Veterinary services.

With respect to Cross-border trade in services – Local presence:

In CZ: Physical presence in the territory is required for the supply of veterinary services.

In IT and PT: Residency is required for the supply of veterinary services.

In PL: Physical presence in the territory is required for the supply of veterinary services to pursue the profession of veterinary surgeon present in the territory of Poland, non- European Union nationals have to pass an exam in Polish language organized by the Polish Chambers of Veterinary Surgeons.

In SI: Only legal and natural persons established in a Member State for the purpose of conducting veterinary activities can supply cross border veterinary services into the Republic of Slovenia.

In SK: Residency in the EEA is required for registration in the professional chamber, which is necessary for the exercise of the profession.

Measures:

CZ: Act No. 166/1999 Coll. (Veterinary Act), §58-63, 39; and

Act No. 381/1991 Coll. (on the Chamber of Veterinary Surgeons of the Czech Republic), paragraph 4.

IT: Legislative Decree C.P.S. 233/1946, Articles 7-9; and

Decree of the President of the Republic (DPR) 221/1950, paragraph 7.

PL: Law of 21st December 1990 on the Profession of Veterinary Surgeon and Chambers of Veterinary Surgeons.

PT: Decree-Law 368/91 (Statute of the Veterinary Professional Association) alterado p/ Lei 125/2015, 3 set.

SI: Pravilnik o priznavanju poklicnih kvalifikacij veterinarjev (Rules on recognition of professional qualifications for veterinarians), Uradni list RS, št. (Official Gazette No) 71/2008, 7/2011, 59/2014 in 21/2016, Act on services in the internal market, Official Gazette RS No 21/2010.

SK: Act 442/2004 on Private Veterinary Doctors and the Chamber of Veterinary Doctors, Article 2.

(c) Retail sales of pharmaceuticals, medical and orthopaedic goods and other services provided by pharmacists (CPC 63211)

With respect to Investment liberalisation – National treatment, Senior management and boards of directors:

In AT: The retail of pharmaceuticals and specific medical goods to the public may only be carried out through a pharmacy. Nationality of a Member State of the EEA or the Swiss Confederation is required in order to operate a pharmacy. Nationality of a Member State of the EEA or the Swiss Confederation is required for leaseholders and persons in charge of managing a pharmacy.

Measures:

AT: Apothekengesetz (Pharmacy Law), RGBl. Nr. 5/1907 as amended, §§ 3, 4, 12; Arzneimittelgesetz (Medication Act), BGBl. Nr. 185/1983 as amended, §§ 57, 59, 59a; and Medizinproduktegesetz (Medical Products Law), BGBl. Nr. 657/1996 as amended, § 99.

With respect to Investment liberalisation – National Treatment:

In DE: Only natural persons (pharmacists) are permitted to operate a pharmacy. Nationals of other countries or persons who have not passed the German pharmacy exam may only obtain a licence to take over a pharmacy which has already existed during the preceding three years.

In FR: EEA or Swiss nationality is required in order to operate a pharmacy.

Foreign pharmacists may be permitted to establish within annually established quotas. Pharmacy opening must be authorised and commercial presence including sale at a distance of medicinal products to the public by means of information society services, must take one of the legal forms which are allowed under national law on a non-discriminatory basis: société d'exercice libéral (SEL) anonyme, par actions simplifiée, à responsabilité limitée unipersonnelle or pluripersonnelle, en commandite par actions, société en noms collectifs (SNC) or société à responsabilité limitée (SARL) unipersonnelle or pluripersonnelle only.

Measures:

DE: Gesetz über das Apothekenwesen (ApoG; German Pharmacy Act); Bundes-Apothekerordnung;

Gesetz über den Verkehr mit Arzneimitteln (AMG);

Gesetz über Medizinprodukte (MPG);

Verordnung zur Regelung der Abgabe von Medizinprodukten (MPAV)

FR: Code de la santé publique; and

Loi 90-1258 du 31 décembre 1990 relative à l'exercice sous forme de société des professions libéralesand Loi 2015-990 du 6 août 2015.

With respect to Investment liberalisation – National Treatment:

In EL: European Union nationality is required in order to operate a pharmacy.

In HU: EEA nationality is required in order to operate a pharmacy.

In LV: In order to commence independent practice in a pharmacy, a foreign pharmacist or pharmacist's assistant, educated in a state which is not a Member State or a Member State of the EEA, must work for at least one year in a pharmacy in a Member State of the EEA under the supervision of a pharmacist.

Measures:

EL: Law 5607/1932 as amended by Laws 1963/1991 and 3918/2011.

HU: Act XCVIII of 2006 on the General Provisions Relating to the Reliable and Economically Feasible Supply of Medicinal Products and Medical Aids and on the Distribution of Medicinal Products.

LV: Pharmaceutical Law, s. 38.

With respect to Investment liberalisation – National treatment, Most-Favoured Nation treatment and Cross-border trade in services – National treatment:

In IT: The practice of the profession is possible only for natural persons enrolled in the register, as well as for juridical persons in the form of partnerships, where every partner of the company must be an enrolled pharmacist. Enrolment in the pharmacist professional register requires nationality of a Member State or residency and the practice of the profession in Italy. Foreign nationals having the necessary qualifications may enrol if they are citizens of a country with whom Italy has a special agreement, authorising the exercise of the profession, under condition of reciprocity (D. Lgsl. CPS 233/1946 Articles 7-9 and D.P.R. 221/1950 paragraphs 3 and 7). New or vacant pharmacies are authorised following a public competition. Only nationals of a Member State enrolled in the Register of pharmacists ("albo") are able to participate in a public competition.

Measures:

IT: Law 362/1991, Articles 1, 4, 7 and 9;

Legislative Decree CPS 233/1946, Articles 7-9; and

Decree of the President of the Republic (D.P.R. 221/1950, paragraphs 3 and 7).

With respect to Investment liberalisation – National treatment and Cross-border trade in services – National treatment:

In CY: Nationality requirement applies for the provision of retail sales of pharmaceuticals, medical and orthopaedic goods and other services provided by pharmacists (CPC 63211).

Measures:

CY: Pharmacy and Poisons Law (Chapter 254) as amended.

With respect to Investment liberalisation – National treatment and Cross-border services – Local presence:

In BG: Permanent residency is required for pharmacists.

Measures:

BG: Law on Medicinal Products in Human Medicine, arts. 146, 161, 195, 222, 228.

With respect to Cross-border trade in services – Local presence:

In DE, SK: Residency is required in order to obtain a licence as a pharmacist or to open a pharmacy for the retail of pharmaceuticals and certain medical goods to the public.

Measures:

DE: Gesetz über das Apothekenwesen (ApoG; German Pharmacy Act);

Gesetz über den Verkehr mit Arzneimitteln (AMG);

Gesetz über Medizinprodukte (MPG);

Verordnung zur Regelung der Abgabe von Medizinprodukten (MPAV).

SK: Act 362/2011 on pharmaceuticals and medical devices, Article 6; and

Act 578/2004 on healthcare providers, medical employees, professional organisation in healthcare.

Reservation No. 4 – Research and development services

Sector – sub-sector:	Research and development (R&D) services
Industry classification:	CPC 851, 853
Type of reservation:	National treatment
Chapter:	Investment liberalisation and Cross-border trade in services
Level of government:	EU/Member State (unless otherwise specified)

Description:

The EU: For publicly funded research and development (R&D) services benefitting from funding provided by the European Union at the European Union level, exclusive rights or authorisations may only be granted to nationals of the Member States and to juridical persons of the European Union having their registered office, central administration or principal place of business in the Union (CPC 851, 853).

For publicly funded R&D services benefitting from funding provided by a Member State exclusive rights or authorisations may only be granted to nationals of the Member State concerned and to juridical persons of the Member State concerned having their headquarters in that Member State (CPC 851, 853).

This reservation is without prejudice to this Agreement and to the exclusion of procurement by a Party or subsidies, in subparagraphs (e) and (f) of Article 11.1(2) of this Agreement.

Measures:

EU: All currently existing and all future European Union research or innovation framework programmes, including the Horizon 2020 Rules for Participation and regulations pertaining to Joint Technology Initiatives (JTIs), and the European Institute for Innovation and Technology (EIT), as well as existing and future national, regional or local research programmes.

Reservation No. 5 – Real estate services

Sector – sub-sector:	Real estate services
Industry classification:	CPC 821, 822
Type of reservation:	National treatment
	Most-favoured nation treatment
	Local presence
Chapter:	Investment liberalisation and Cross-border trade in services
Level of government:	EU/Member State (unless otherwise specified)

Description:

With respect to Investment liberalisation – National treatment and Cross-border trade in services – National treatment, Local presence:

In CY: For the supply of real estate services, nationality and residency condition applies.

Measures:

CY: The Real Estate Agents Law 71(1)/2010 as amended.

With respect to Cross-border trade in services – Local presence:

In CZ: Residency for natural persons and establishment for juridical persons in the Czech Republic are required to obtain the licence necessary for the provision of real estate services.

In HR: Commercial presence in EEA is required to supply real estate services.

In PT: EEA residency is required for natural persons. EEA incorporation is required for juridical persons.

Measures:

CZ: Trade Licensing Act.

HR: Real Estate Brokerage Act (OG 107/07 and 144/12), Article 2.

PT: Decree-Law 211/2004 (Articles 3 and 25), as amended and republished by Decree-Law 69/2011.

With respect to Investment liberalisation – National treatment and Cross-border trade in services – Local presence:

In DK: For the supply of real estate services by a natural person present in the territory of Denmark, only authorised real estate agent who are natural persons that have been admitted to the Danish Business Authority's real estate agent register may use the title of "real estate agent". The act requires that the applicant be a Danish resident or a resident of the European Union, EEA or the Swiss Confederation.

The Act on the sale of real estate is only applicable when providing real estate services to consumers. The Act on the sale of real estate does not apply to the leasing of real estate (CPC 822).

Measures:

DK: Lov om formidling af fast ejendom m.v. lov. nr. 526 af 28.05.2014 (The Act on the sale of real estate).

With respect to Cross-border trade in services – National treatment, Most-favoured-nation treatment:

In SI: In so far as Chile allows Slovenian nationals and enterprises to supply real estate agent services, Slovenia will allow nationals of Chile and enterprises to supply real estate agent services under the same conditions, in addition to the fulfilment of the following requirements: entitlement to act as a real estate agent in the country of origin, submission of the relevant document on impunity in criminal procedures, and inscription into the registry of real estate agents at the competent (Slovenian) ministry.

Measures:

SI: Real Estate Agencies Act.

Reservation No. 6 – Business services

Sector – sub-sector:	Business services – rental or leasing services without operators; services related to management consulting; technical testing and analyses; related scientific and technical consulting services; services incidental to agriculture; security services; placement services; translation and interpretation services and other business services
Industry classification:	ISIC Rev. 3.1 37, part of CPC 612, part of 621, part of 625, 831, part of 85990, 86602, 8675, 8676, 87201, 87202, 87203, 87204, 87205, 87206, 87209, 87901, 87902, 87909, 88, part of 893
Type of reservation:	National treatment
	Most-favoured nation treatment
	Senior management and boards of directors
	Local presence
Chapter:	Investment liberalisation and Cross-border trade in services
Level of government:	EU/Member State (unless otherwise specified)

Description:

(a) Rental or leasing services without operators (CPC 83103, CPC 831)

With respect to Investment liberalisation – National treatment:

In SE: To fly the Swedish flag, proof of dominating Swedish operating influence must be shown in case of foreign ownership interests in ships. Dominating Swedish operating influence means that the operation of the ship is located in Sweden and that the ship also has a more than half of the shares of either Swedish ownership or ownership of persons in another EEA country. Other foreign ships may under certain conditions be granted an exemption from this rule where they are rented or leased by Swedish juridical persons through bareboat charter contracts (CPC 83103).

Measures:

SE: Sjölagen (Maritime Law) (1994:1009), Chapter 1, § 1.

With respect to Cross-border trade in services – Local presence:

In SE: Suppliers of rental or leasing services of cars and certain off-road vehicles (terrängmotorfordon) without a driver, rented or leased for a period of less than one year, are obliged to appoint someone to be responsible for ensuring, among other things, that the business is conducted in accordance with applicable rules and regulations and that the road traffic safety rules are followed. The responsible person must reside in the EEA (CPC 831).

Measures:

SE: Lag (1998: 492) om biluthyrning (Act on renting and leasing cars).

(b) Rental or leasing services and other business services related to aviation (CPC 83104)

With respect to Investment liberalisation – National treatment, Most-favoured nation treatment, and Cross-border trade in services – National treatment, Most-favoured-nation treatment:

The EU: For rental or leasing of aircraft without crew (dry lease), aircraft used by an air carrier of the European Union are subject to applicable aircraft registration requirements. A dry lease agreement to which a European Union carrier is a party shall be subject to requirements in the European Union or national law on aviation safety, such as prior approval and other conditions applicable to the use of third countries' registered aircraft. To be registered, aircraft may be required to be owned either by natural persons meeting specific nationality criteria or by enterprises meeting specific criteria regarding ownership of capital and control (CPC 83104).

With respect to computer reservation system (CRS) services, where European Union air carriers are not accorded, by CRS services suppliers operating outside the European Union, equivalent (meaning non-discriminatory) treatment to the treatment provided by European Union CRS service suppliers to air carriers of a third country in the European Union, or where European Union CRS services suppliers are not accorded, by non-European Union air carriers, equivalent treatment to the treatment provided by air carriers in the European Union to CRS service suppliers of a third country, measures may be taken to accord the equivalent discriminatory treatment, respectively, to the non-European Union air carriers by the CRS services suppliers operating in the European Union, or to the non-European Union CRS services suppliers by European Union air carriers.

Measures:

EU: Regulation (EC) No 1008/2008 of the European Parliament and of the Council[1]; and Regulation (EC) No 80/2009 of the European Parliament and of the Council[2].

[1] Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (OJ EU L 293, 31.10.2008, p. 3).

[2] Regulation (EC) No 80/2009 of the European Parliament and of the Council of 14 January 2009 on a Code of Conduct for computerised reservation systems and repealing Council Regulation (EEC) No 2299/89 (OJ EU L 35, 4.2.2009, p. 47).

With respect to Investment liberalisation – National treatment and Cross-border trade in services – National treatment

In BE: Private (civil) aircraft belonging to natural persons who are not nationals of a Member State of the EEA may only be registered if they are domiciled or resident in Belgium without interruption for at least one year. Private (civil) aircraft belonging to foreign legal entities not formed in accordance with the law of a member state of the EEA may only be registered if they have a seat of operations, an agency or an office in Belgium without interruption for at least one year (CPC 83104).

Measures:

BE: Arrêté Royal du 15 mars 1954 réglementant la navigation aérienne.

(c) Services related to management consulting – arbitration and conciliation services (CPC 86602)

With respect to Cross-border trade in services – National treatment, Local presence:

In BG: For mediation, permanent or long-term residency in the Republic of Bulgaria is required for citizens of countries other than a member state of the EEA or the Swiss Confederation.

In HU: An authorisation, by means of admission into the register, by the minister in charge of the juridical system is required for the pursuit of mediation (such as arbitration and conciliation) activities which may only be granted to legal or natural persons that are established in or resident in Hungary.

Measures:

BG: Mediation Act, Art. 8.

HU: Act LV of 2002 on Mediation.

(d) Technical testing and analysis services (CPC 8676)

With respect to Investment liberalisation – National treatment and Cross-border trade in services – National treatment:

In CY: The provision of services by chemists and biologists requires nationality of a Member State.

In FR: The professions of biologist are reserved for natural persons, EEA nationality required.

Measures:

CY: Registration of Chemists Law of 1988 (Law 157/1988), as amended.

FR: Code de la Santé Publique.

With respect to Investment liberalisation – National treatment and Cross-border trade in services – Local presence:

In BG: Establishment in Bulgaria according to the Bulgarian Commercial Act and registration in the Commercial register is required for provision of technical testing and analysis services.

For the periodical inspection for proof of technical condition of road transport vehicles, the person should be registered in accordance with the Bulgarian Commercial Act or the Non-Profit Legal Persons Act, or else be registered in another Member State of the EEA.

The testing and analysis of the composition and purity of air and water may be conducted only by the Ministry of Environment and Water of Bulgaria, or its agencies in co-operation with the Bulgarian Academy of Sciences.

Measures:

BG: Technical Requirements towards Products Act;

Measurement Act;

Clean Ambient Air Act; and

Water Act, Ordinance N-32 for the periodical inspection for proof of technical condition of road transport vehicles.

With respect to Investment liberalisation – National treatment, Most-favoured-nation treatment and Cross-border trade in services – National treatment, Most-favoured-nation treatment, Local presence:

In IT: For biologists, chemical analysts, agronomists and "periti agrari", residency and enrolment in the professional register are required. Third country nationals can enrol under condition of reciprocity.

Measures:

IT: Biologists, chemical analysts: Law 396/1967 on the profession of biologists; and Royal Decree 842/1928 on the profession of chemical analysts.

(e) Related scientific and technical consulting services (CPC 8675)

With respect to Investment liberalisation – National treatment, Most-favoured nation treatment and Cross-border trade in services – National treatment, Most-favoured-nation treatment, Local presence:

In IT: Residency or professional domicile in Italy is required for enrolment in the geologists' register, which is necessary for the practice of the professions of surveyor or geologist in order to provide services relating to the exploration and the operation of mines, etc. Nationality of a Member State is required; however, foreigners may enrol under condition of reciprocity.

Measures:

IT: Geologists: Law 112/1963, Articles 2 and 5; D.P.R. 1403/1965, Article 1.

With respect to Investment liberalisation – National treatment and Cross-border trade in services – National treatment, Local presence:

In BG: For natural persons, nationality and residency of a Member State of the EEA or the Swiss Confederation is required in order to execute functions pertinent to geodesy, cartography and cadastral surveying. For legal entities, trade registration under the legislation of a Member State of the EEA or the Swiss Confederation is required.

Measures:

BG: Cadastre and Property Register Act; and Geodesy and Cartography Act.

With respect to Investment liberalisation – National Treatment and Cross-border trade in services – National treatment:

In CY: Nationality requirement applies for the provision of relevant services.

Measures:

CY: Law 224/1990 as amended.

With respect to Investment liberalisation – National treatment and Cross-border trade in services – National treatment, Local presence:

In FR: For exploration and prospecting services establishment is required. This requirement may be waived for scientific researchers, by decision of the Minister of scientific research, in agreement with the Minister of Foreign affairs.

Measures:

FR: Loi 46-942 du 7 mai 1946 and décret n°71-360 du 6 mai 1971.

With respect to Investment liberalisation – National treatment and Cross-border trade in services – National treatment, Local presence:

In HR: Services of basic geological, geodetic and mining consulting as well as related environmental protection consulting services in the territory of Croatia can be carried out only jointly with or through domestic juridical persons.

Measures:

HR: Ordinance on requirements for issuing approvals to juridical persons for performing professional environmental protection activities (OG No.57/10), Arts. 32-35.

(f) Services incidental to agriculture (part of CPC 88)

With respect to Investment liberalisation – National treatment and Cross-border trade in services – National treatment, Most-favoured-nation treatment, Local presence:

In IT: For biologists, chemical analysts, agronomists and "periti agrari", residency and enrolment in the professional register are required. Third country nationals can enrol under condition of reciprocity.

Measures:

IT: Biologists, chemical analysts: Law 396/1967 on the profession of biologists; and Royal Decree 842/1928 on the profession of chemical analysts.

With respect to Investment liberalisation – Most-favoured-nation treatment and Cross-border trade in services – Most-favoured-nation treatment:

In PT: The professions of biologist, chemical analyst and agronomist are reserved for natural persons. For third-country nationals, reciprocity regime applies in the case of engineers and technical engineers (and not a citizenship requirement). For biologists, there is not a citizenship requirement nor a reciprocity requirement.

Measures:

PT: Decree Law 119/92 alterado p/ Lei 123/2015, 2 set. (Ordem Engenheiros);

Law 47/2011 alterado p/ Lei 157/2015, 17 set. (Ordem dos Engenheiros Técnicos); and

Decree Law 183/98 alterado p/ Lei 159/2015, 18 set. (Ordem dos Biólogos).

(g) Security Services (CPC 87302, 87303, 87304, 87305, 87309)

With respect to Investment liberalisation – National treatment and Cross-border trade in services – National treatment, Local presence:

In IT: Nationality of a Member State and residency is required in order to obtain the necessary authorisation to supply security guard services and the transport of valuables.

In PT: The provision of security services by a foreign supplier on a cross-border basis is not allowed.

A nationality requirement exists for specialised personnel.

Measures:

IT: Law on public security (TULPS) 773/1931, Articles 133-141; Royal Decree 635/1940, Article 257.

PT: Law 34/2013 alterada p/ Lei 46/2019, 16 maio; and Ordinance 273/2013 alterada p/ Portaria 106/2015, 13 abril.

With respect to Investment liberalisation – National treatment, Most-Favoured Nation treatment and Cross-border trade in services – Local presence:

In DK: Residence requirement for individuals applying for an authorisation to provide security services.

Residence is also required for managers and the majority of members of the board of a legal entity applying for an authorisation to conduct security services. However, residence for management and boards of directors is not required to the extent it follows from international agreements or orders issued by the Minister for Justice.

Measures:

DK: Lovbekendtgørelse 2016-01-11 nr. 112 om vagtvirksomhed.

With respect to Cross-border trade in services – Local presence:

In EE: Residency is required for security guards.

Measures:

EE: Turvaseadus (Security Act) § 21, § 22.

(h) Placement Services (CPC 87201, 87202, 87203, 87204, 87205, 87206, 87209)

With respect to Investment liberalisation – National treatment and Cross-border trade in services – National treatment (applies to the regional level of government):

In BE: In all Regions in Belgium, a company having its head office outside the EEA has to demonstrate that it supplies placement services in its country of origin. In the Walloon Region, a specific type of legal entity (régulièrement constituée sous la forme d'une personne morale ayant une forme commerciale, soit au sens du droit belge, soit en vertu du droit d'un Etat membre ou régie par celui-ci, quelle que soit sa forme juridique) is required to supply placement services. A company having its head office outside the EEA has to demonstrate that it fulfils the conditions as set out in the Decree (for instance on the type of legal entity). In the German-speaking community, a company having its head office outside the EEA has to fulfil the admission criteria established by the mentioned Decree (CPC 87202).

Measures:

BE: Flemish Region: Article 8, § 3, Besluit van de Vlaamse Regering van 10 december 2010 tot uitvoering van het decreet betreffende de private arbeidsbemiddeling.

Walloon Region: Décret du 3 avril 2009 relatif à l'enregistrement ou à l'agrément des agences de placement (Decree of 3 April 2009 on registration of placement agencies), Article 7; and Arrêté du Gouvernement wallon du 10 décembre 2009 portant exécution du décret du 3 avril 2009 relatif à l'enregistrement ou à l'agrément des agences de placement (Decision of the Walloon Government of 10 December 2009 implementing the Decree of 3 April 2009 on registration of placement agencies), Article 4.

German-speaking community: Dekret über die Zulassung der Leiharbeitsvermittler und die Überwachung der privaten Arbeitsvermittler / Décret du 11 mai 2009 relatif à l'agrément des agences de travail intérimaire et à la surveillance des agences de placement privées, Article 6.

With respect to Investment liberalisation – National treatment and Cross-border trade in services – National treatment, Local presence:

In DE: Nationality of a Member State of the EEA or a commercial presence in the European Union is required in order to obtain a licence to operate as a temporary employment agency (pursuant to s. 3 paragraphs 3 to 5 of this Act on temporary agency work (Arbeitnehmerüberlassungsgesetz). The Federal Ministry of Labour and Social Affairs may issue a regulation concerning the placement and recruitment of non-EEA personnel for specified professions e.g. for health and care related professions. The licence or its extension shall be refused if establishments, parts of establishments or ancillary establishments which are not located in the EEA are intended to execute the temporary employment (pursuant to Sec. 3 paragraph 2 of the Act on temporary agency work (Arbeitnehmerüberlassungsgesetz).

In ES: Prior to the start of the activity, placement agencies are required to submit a sworn statement certifying the fulfilment of the requirements stated by the current legislation (CPC 87201, 87202).

Measures:

DE: Gesetz zur Regelung der Arbeitnehmerüberlassung (AÜG);

Sozialgesetzbuch Drittes Buch (SGB III; Social Code, Book Three) – Employment Promotion;

Verordnung über die Beschäftigung von Ausländerinnen und Ausländern (BeschV; Ordinance on the Employment of Foreigners).

ES: Real Decreto-ley 8/2014, de 4 de julio, de aprobación de medidas urgentes para el crecimiento, la competitividad y la eficiencia (tramitado como Ley 18/2014, de 15 de octubre).

(i) Translation and interpretation services (CPC 87905)

With respect to Investment liberalisation – National treatment:

In BG: To carry out official translation activities foreign natural persons are required to hold a permit for long-term, prolonged or permanent residency in the Republic of Bulgaria.

Measures:

BG: Regulation for the legalisation, certification and translation of documents.

With respect to Investment liberalisation – National treatment and Cross-border trade in services – National treatment:

In CY: Registration to the Register of Sworn Translators of the Council of Registration of Sworn Translators is necessary for the provision of official translation and certification services. Nationality requirement applies.

In HR: EEA nationality is required for certified translators.

Measures:

CY: The Registration and Regulation of Certified Translator Services Law of 2019 (45(I)/2019) as amended.

HR: Ordinance on permanent court interpreters (OG 88/2008), Article 2.

With respect to Cross-border trade in services – Local presence:

In FI: Residency in the EEA is required for certified translators.

Measures:

FI: Laki auktorisoiduista kääntäjistä (Act on Authorised Translators) (1231/2007), s. 2(1)).

(j) Other business services (part of CPC 612, part of 621, part of 625, 87901, 87902, 88493, part of 893, part of 85990, 87909, ISIC 37)

With respect to Cross-border trade in services – Local presence:

In SE: Establishment is required for Pawn-shops (part of CPC 87909).

Measures:

SE: Pawn shop act (1995:1000).

With respect to Investment liberalisation – National Treatment:

In PT: Nationality of a Member State is required for the provision of collection agency services and credit reporting services (CPC 87901, 87902).

Measures:

PT: Law 49/2004.

With respect to Investment liberalisation – National Treatment and Cross-border trade in services – Local presence:

In CZ: Auction services are subject to licence. To obtain a licence (for the supply of voluntary public auctions), a company must be incorporated in the Czech Republic and a natural person is required to obtain a residency permit, and the company, or natural person must be registered in the Commercial Register of the Czech Republic (part of CPC 612, part of 621, part of 625, part of 85990).

Measures:

CZ: Act no.455/1991 Coll.;

Trade Licence Act; and

Act no. 26/2000 Coll., on public auctions.

With respect to Cross-border trade in services – Local presence:

In CZ: Only an authorised package company is allowed to supply services relating to packaging take-back and recovery and must be established as juridical person (CPC 88493, ISIC 37).

Measures:

CZ: Act. 477/2001 Coll. (Packaging Act) paragraph 16.

Reservation No. 7 – Construction Services

Sector – sub-sector:	Construction and related engineering services
Industry classification:	CPC 51
Type of reservation:	National treatment
Chapter:	Investment liberalisation; Cross-border trade in services
Level of government:	EU/Member State (unless otherwise specified)

Description:

In CY: Nationality requirement.

Measure:

CY: The Registration and Control of Contractors of Building and Technical Works Law of 2001 (29 (I) / 2001), Articles 15 and 52.

Reservation No. 8 – Distribution services

Sector – sub-sector:	Distribution services – general, distribution of tobacco
Industry classification:	CPC 3546, part of 621, 6222, 631, part of 632
Type of reservation:	National treatment
	Local presence
Chapter:	Investment liberalisation; Cross-Border trade in services
Level of government:	EU/Member State (unless otherwise specified)

Description:

(a) Distribution services (CPC 3546, 631, 632 except 63211, 63297, 62276, part of 621)

With respect to Investment liberalisation – National treatment and Cross-border trade in services – National treatment:

In CY: Nationality requirement exists for distribution services provided by pharmaceutical representatives (CPC 62117).

Measures:

CY: Law 74(I) 2020 as amended.

With respect to Cross-border trade in services – Local presence:

In LT: The distribution of pyrotechnics is subject to licensing. Only juridical persons of the European Union may obtain a licence (CPC 3546).

Measures:

LT: Law on Supervision of Civil Pyrotechnics Circulation (23 March 2004. No. IX-2074).

(b) Distribution of tobacco (part of CPC 6222, 62228, part of 6310, 63108)

With respect to Investment liberalisation – National treatment and Cross-border trade in services – National treatment:

In ES: Establishment is subject to a Member State nationality requirement. Only natural persons may operate as a tobacconist. Each tobacconist cannot obtain more than one license (CPC 63108).

In FR: Nationality requirement for tobacconists (buraliste) (part of CPC 6222, part of 6310).

Measures:

ES: Law 14/2013 of 27 September 2014.

FR: Code général des impôts.

With respect to Investment liberalisation – National treatment and Cross-border trade in services – National treatment:

In AT: Authorisations are given with priority to nationals of a Member State of the EEA (CPC 63108).

Measures:

AT: Tobacco Monopoly Act 1996, § 5 and § 27.

With respect to Inve Cross-border trade in services – National treatment:

In IT: In order to distribute and sell tobacco, a licence is needed. The licence is granted through public procedures. The granting of licences is subject to an economic needs test. Main criteria: population and geographical density of existing selling points (part of CPC 6222, part of 6310).

Measures:

IT: Legislative Decree 184/2003;

Law 165/1962;

Law 3/2003;

Law 1293/1957;

Law 907/1942; and

Decree of the President of the Republic (D.P.R.) 1074/1958.

Reservation No. 9 – Education services

Sector – sub-sector:	Education services (privately funded)
Industry classification:	CPC 921, 922, 923, 924
Type of reservation:	National treatment
	Senior management and boards of directors
	Local presence
Chapter:	Investment liberalisation; Cross-border trade in services
Level of government:	EU/Member State (unless otherwise specified)

Description:

With respect to Investment liberalisation – National treatment, Senior management and boards of directors:

In CY: Nationality of a Member State is required for owners and majority shareholders in a privately funded school. Nationals of Chile may obtain authorisation from the Minister of Education in accordance with the specified form and conditions.

Measures:

CY: Private Schools Law of 2019 (N. 147(I)/2019), as amended; The Institutions of Tertiary Education Law 1996 (N. 67(I)/1996) as amended; and the Private Universities (Establishment, Operation and Control) Law 2005 (N. 109(I)/2005) as amended.

With respect to Investment liberalisation – National treatment and Cross-border trade in services – National treatment, Local presence:

In BG: Privately funded primary and secondary education services may only be supplied by authorised Bulgarian enterprises (commercial presence is required). Bulgarian kindergartens and schools having foreign participation may be established or transformed at the request of associations, or corporations, or enterprises of Bulgarian and foreign natural or legal entities, duly registered in Bulgaria, by decision of the Council of Ministers on a motion by the Minister of Education and Science. Foreign owned kindergartens and schools may be established or transformed at the request of foreign legal entities in accordance with international agreements and conventions and under the provisions above. Foreign higher education institutions cannot establish subsidiaries in the territory of Bulgaria. Foreign higher education institutions may open faculties, departments, institutes and colleges in Bulgaria only within the structure of Bulgarian high schools and in cooperation with them (CPC 921, 922).

Measures:

BG: Pre-school and School Education Act; and

Law for the Higher Education, paragraph 4 of the additional provisions.

With respect to Investment liberalisation – National treatment, Local presence:

In SI: Privately funded elementary schools may be founded by Slovenian natural or juridical persons only. The service supplier must establish a registered office or branch office (CPC 921).

Measures:

SI: Organisation and Financing of Education Act (Official Gazette of Republic of Slovenia, no. 12/1996) and its revisions, Article 40.

With respect to Cross-border trade in services – Local presence:

In CZ and SK: Establishment in a Member State is required to apply for state approval to operate as a privately funded higher education institution. This reservation does not apply to post-secondary technical and vocational education services (CPC 92310).

Measures:

CZ: Act No. 111/1998, Coll. (Higher Education Act), § 39; and

Act No. 561/2004 Coll. on Pre-school, Basic, Secondary, Tertiary Professional and Other Education (the Education Act).

SK: Law No. 131 of 21 February 2002 on Universities.

With respect to Investment liberalisation – National treatment, Senior management and boards of directors and Cross-border trade in services – Local presence:

In EL: Nationality of a Member State is required for owners and a majority of the members of the board of directors in privately funded primary and secondary schools, and for teachers in privately funded primary and secondary education (CPC 921, 922). Education at university level shall be provided exclusively by institutions which are fully self-governed public law juridical persons. However, Law 3696/2008 permits the establishment by European Union residents (natural or juridical persons) of private tertiary education institutions granting certificates which are not recognised as being equivalent to university degrees (CPC 923).

Measures:

EL: Laws 682/1977, 284/1968, 2545/1940, Presidential Degree 211/1994 as amended by Presidential Degree 394/1997, Constitution of Hellas, Article 16, paragraph 5 and Law 3549/2007.

With respect to Investment liberalisation – National treatment, Most-favoured nation treatment and Cross-border trade in services – National treatment:

In FR: Nationality of a Member State is required in order to teach in a privately funded educational institution (CPC 921, 922, 923). However, nationals of Chile may obtain an authorisation from the relevant competent authorities in order to teach in primary, secondary and higher level educational institutions. Nationals of Chile may also obtain an authorisation from the relevant competent authorities in order to establish and operate or manage primary, secondary or higher level educational institutions. Such authorisation is granted on a discretionary basis.

Measures:

FR: Code de l'éducation.

With respect to Investment – National treatment and Cross-border trade in services – National treatment:

In MT: Service suppliers seeking to provide privately funded higher or adult education services must obtain a licence from the Ministry of Education and Employment. The decision on whether to issue a licence may be discretionary (CPC 923, 924).

Measures:

MT: Legal Notice 296 of 2012.

Reservation No. 10 – Environmental services

Sector – sub-sector:	Environmental services – processing and recycling of used batteries and accumulators, old cars and waste from electrical and electronic equipment; protection of ambient air and climate cleaning services of exhaust gases
Industry classification:	Part of CPC 9402, 9404
Type of reservation:	Local presence
Chapter:	Cross-border trade in services
Level of government:	EU/Member State (unless otherwise specified)

Description:

In SE: Only entities established in Sweden or having their principal seat in Sweden are eligible for accreditation to perform control services of exhaust gas (CPC 9404).

In SK: For processing and recycling of used batteries and accumulators, waste oils, old cars and waste from electrical and electronic equipment, incorporation in the EEA is required (residency requirement) (part of CPC 9402).

Measures:

SE: The Vehicles Act (2002:574).

SK: Act 79/2015 on Waste.

Reservation No. 11 – Health services and social services

Sector – sub-sector: Health services and social services

Industry classification: CPC 931, 933

Type of reservation: National treatment

Chapter: Investment liberalisation and Cross-border trade in services

Level of government: EU/Member State (unless otherwise specified)

Description:

With respect to Investment liberalisation – National treatment:

In FR: For hospital and ambulance services, residential health facilities (other than hospital services) and social services, an authorisation is necessary in order to exercise management functions. The authorisation process takes into account the availability of local managers.

Measures:

FR: Loi 90-1258 relative à l'exercice sous forme de société des professions libérales, Loi n°2011-940 du 10 août 2011 modifiant certaines dipositions de la loi n°2009-879 dite HPST, Loi n°47-1775 portant statut de la coopération; and Code de la santé publique.

Reservation No. 12 – Tourism and travel related services

Sector – sub-sector:	Tourism and travel related services – hotels, restaurants and catering; travel agencies and tour operators services (including tour managers); tourist guides services
Industry classification:	CPC 641, 642, 643, 7471, 7472
Type of reservation:	National treatment
	Senior management and boards of directors
	Local presence
Chapter:	Investment liberalisation; Cross-border trade in services
Level of government:	EU/Member State (unless otherwise specified)

Description:

With respect to Investment liberalisation – National treatment, Senior management and boards of directors and Cross-border trade in services –National treatment:

In BG: Tour operation or travel agency services may be provided by a person established in the EEA if, upon establishment in the territory of Bulgaria, the said person presents a copy of a document certifying the right thereof to practice that activity and a certificate or another document issued by a credit institution or an insurer containing data of the existence of insurance covering the liability of the said person for damage which may ensue as a result of a culpable non-fulfilment of professional duties. The number of foreign managers may not exceed the number of managers who are Bulgarian nationals, in cases where the public (state or municipal) share in the equity capital of a Bulgarian company exceeds 50 %. EEA nationality requirement for tourist guides (CPC 641, 642, 643, 7471, 7472).

Measures:

BG: Law for Tourism, Articles 61, 113 and 146.

With respect to Investment liberalisation – National treatment and Cross-border trade in services – National treatment, Local presence:

In CY: A licence to establish and operate a tourism and travel company or agency, as well as the renewal of an operating licence of an existing company or agency, shall be granted only to European Union natural or juridical persons. No non-resident company except those established in another Member State, can provide in the Republic of Cyprus, on an organised or permanent basis, the activities referred to under Article 3 of the abovementioned Law, unless represented by a resident company. The provision of tourist guide services and travel agencies and tour operators services requires nationality of a Member State (CPC 7471, 7472).

Measures:

CY: The Tourism and Travel Offices and Tourist Guides Law 1995 (Law 41(I)/1995) as amended).

With respect to Investment liberalisation –National treatment, Most-favoured nation treatment and Cross-border trade in services –National treatment, Most-favoured nation treatment:

In EL: Third-country nationals have to obtain a diploma from the Tourist Guide Schools of the Greek Ministry of Tourism, in order to be entitled to the right of practicing the profession. By exception, the right of practicing the profession can be temporarily (up to one year) accorded to third-country nationals under certain explicitly defined conditions, by way of derogation of the above mentioned provisions, in the event of the confirmed absence of a tourist guide for a specific language.

Measures:

EL: Presidential Degree 38/2010, Ministerial Decision 165261/IA/2010 (Gov. Gazette 2157/B), Article 50 of the law 4403/2016, Article 47 of the law 4582/2018 (Gov. Gazette 208/A).

With respect to Investment liberalisation – National treatment and Cross-border trade in services – National treatment:

In ES (for ES applies also to the regional level of government): Nationality of a Member State is required for the provision of tourist guide services (CPC 7472).

In HR: EEA nationality is required for hospitality and catering services in households and rural homesteads (CPC 641, 642, 643, 7471, 7472).

Measures:

ES: Andalucía: Decreto 8/2015, de 20 de enero, Regulador de guías de turismo de Andalucía;

Aragón: Decreto 21/2015, de 24 de febrero, Reglamento de Guías de turismo de Aragón;

Cantabria: Decreto 51/2001, de 24 de julio, Article 4, por el que se modifica el Decreto 32/1997, de 25 de abril, por el que se aprueba el reglamento para el ejercicio de actividades turísticoinformativas privadas;

Castilla y León: Decreto 25/2000, de 10 de febrero, por el que se modifica el Decreto 101/1995, de 25 de mayo, por el que se regula la profesión de guía de turismo de la Comunidad Autónoma de Castilla y León;

Castilla la Mancha: Decreto 86/2006, de 17 de julio, de Ordenación de las Profesiones Turísticas;

Cataluña: Decreto Legislativo 3/2010, de 5 de octubre, para la adecuación de normas con rango de ley a la Directiva 2006/123/CE, del Parlamento y del Consejo, de 12 de diciembre de 2006, relativa a los servicios en el mercado interior, Article 88;

Comunidad de Madrid: Decreto 84/2006, de 26 de octubre del Consejo de Gobierno, por el que se modifica el Decreto 47/1996, de 28 de marzo;

Comunidad Valenciana: Decreto 90/2010, de 21 de mayo, del Consell, por el que se modifica el reglamento regulador de la profesión de guía de turismo en el ámbito territorial de la Comunitat Valenciana, aprobado por el Decreto 62/1996, de 25 de marzo, del Consell;

Extremadura: Decreto 37/2015, de 17 de marzo;

Galicia: Decreto 42/2001, de 1 de febrero, de Refundición en materia de agencias de viajes, guias de turismo y turismo activo;

Illes Balears: Decreto 136/2000, de 22 de septiembre, por el cual se modifica el Decreto 112/1996, de 21 de junio, por el que se regula la habilitación de guía turístico en las Islas Baleares; Islas Canarias: Decreto 13/2010, de 11 de febrero, por el que se regula el acceso y ejercicio de la profesión de guía de turismo en la Comunidad Autónoma de Canarias, Article 5;

La Rioja: Decreto 14/2001, de 4 de marzo, Reglamento de desarrollo de la Ley de Turismo de La Rioja;

Navarra: Decreto Foral 288/2004, de 23 de agosto. Reglamento para actividad de empresas de turismo activo y cultural de Navarra.

Principado de Asturias: Decreto 59/2007, de 24 de mayo, por el que se aprueba el Reglamento regulador de la profesión de Guía de Turismo en el Principado de Asturias; and

Región de Murcia: Decreto n.º 37/2011, de 8 de abril, por el que se modifican diversos decretos en materia de turismo para su adaptación a la ley 11/1997, de 12 de diciembre, de turismo de la Región de Murcia tras su modificación por la ley 12/2009, de 11 de diciembre, por la que se modifican diversas leyes para su adaptación a la directiva 2006/123/CE, del Parlamento Europeo y del Consejo de 12 de diciembre de 2006, relativa a los servicios en el mercado interior.

HR: Hospitality and Catering Industry Act (OG 138/06, 152/08, 43/09, 88/10 i 50/12); and Act on Provision of Tourism Services (OG No. 68/07 and 88/10).

With respect to Investment liberalisation – National treatment and Cross-border trade in services – National treatment:

In HU: The supply of travel agent and tour operator services, and tourist guide services on a cross-border basis is subject to a licence issued by the Hungarian Trade Licensing Office. Licences are reserved to EEA nationals and juridical persons having their seats in the EEA
(CPC 7471, 7472).

In IT (applies also to the regional level of government): tourist guides from non-European Union countries need to obtain a specific licence from the region in order to act as a professional tourist guide. Tourist guides from Member States can work freely without the requirement for such a licence. The licence is granted to tourist guides demonstrating adequate competence and knowledge (CPC 7472).

Measures:

HU: Act CLXIV of 2005 on Trade, Government Decree No. 213/1996 (XII.23.) on Travel Organisation and Agency Activities.

IT: Law 135/2001 Articles 7.5 and 6; and Law 40/2007 (DL 7/2007).

Reservation No. 13 – Recreational, cultural and sporting services

Sector – sub-sector:	Recreational services; other sporting services
Industry classification:	CPC 962, part of 96419
Type of reservation:	National treatment
	Senior management and boards of directors
Chapter:	Investment liberalisation; Cross-border trade in services
Level of government:	EU/Member State (unless otherwise specified)

Description:

(a) News and press agencies (CPC 962)

With respect to Investment liberalisation – National treatment, Senior management and boards of directors]:

In CY: Establishment and operation of press agencies/sub-agencies in Cyprus is granted only to citizens of Cyprus or EU citizens or to legal entities governed by citizens of Cyprus or EU citizens.

Measures:

CY: Press Law (N.145/89) as amended

(b) Other sporting services (CPC 96419)

With respect to Investment liberalisation – National treatment, Senior management and boards of directors and Cross-border trade in services – National treatment:

In AT (applies to the regional level of government): The operation of ski schools and mountain guide services is governed by the laws of the Bundesländer. The provision of these services may require nationality of a Member State of the EEA. Enterprises may be required to appoint a managing director who is a national of a Member State of the EEA.

Measures:

AT: Kärntner Schischulgesetz, LGBL. Nr. 53/97;

Kärntner Berg- und Schiführergesetz, LGBL. Nr. 25/98;

NÖ- Sportgesetz, LGBL. Nr. 5710;

OÖ- Sportgesetz, LGBl. Nr. 93/1997;

Salzburger Schischul- und Snowboardschulgesetz, LGBL. Nr. 83/89;

Salzburger Bergführergesetz, LGBL. Nr. 76/81;

Steiermärkisches Schischulgesetz, LGBL. Nr. 58/97;

Steiermärkisches Berg- und Schiführergesetz, LGBL. Nr. 53/76;

Tiroler Schischulgesetz. LGBL. Nr. 15/95;

Tiroler Bergsportführergesetz, LGBL. Nr. 7/98;

Vorarlberger Schischulgesetz, LGBL. Nr. 55/02 §4 (2)a;

Vorarlberger Bergführergesetz, LGBL. Nr. 54/02; and

Wien: Gesetz über die Unterweisung in Wintersportarten, LGBL. Nr. 37/02.

With respect to Investment liberalisation – National treatment and Cross-border trade in services – National treatment:

In CY: Nationality requirement for the establishment of a dance school and nationality requirement for physical instructors.

Measures:

CY: Law 65(I)/1997 as amended; and

Law 17(I) /1995 as amended.

Reservation No. 14 – Transport services and services auxiliary to transport services

Sector – sub-sector:	Transport services – fishing and water transportation – any other commercial activity undertaken from a ship; water transportation and auxiliary services for water transport; rail transport and auxiliary services to rail transport; road transport and services auxiliary to road transport; services auxiliary to air transport services
Industry classification:	ISIC Rev. 3.1 0501, 0502; CPC 5133, 5223, 711, 712, 721, 741, 742, 743, 744, 745, 748, 749, 7461, 7469, 83103, 86751, 86754, 8730, 882
Type of reservation:	National treatment
	Most-favoured-nation treatment
	Senior management and boards of directors
	Local presence
Chapter:	Investment liberalisation; Cross-border trade in services
Level of government:	EU/Member State (unless otherwise specified)

Description:

(a) Maritime transport and auxiliary services for maritime transport. Any commercial activity undertaken from a ship (ISIC Rev. 3.1 0501, 0502; CPC 5133, 5223, 721, Part of 742, 745, 74540, 74520, 74590, 882)

With respect to Investment liberalisation – National treatment, Senior management and boards of directors; Cross-border trade in services – National treatment:

In BG: The carriage and any activities related to hydraulic-engineering and underwater technical works, prospecting and extraction of mineral and other inorganic resources, pilotage, bunkering, receipt of waste, water-and-oil mixtures and other such, performed by vessels in the internal waters, and the territorial sea of Bulgaria, may only be performed by vessels flying the Bulgarian flag or vessels flying the flag of another Member State.

Nationality requirement for supporting services. The master and the chief engineer of the vessel shall mandatorily be nationals of a Member State of the EEA, or of the Swiss Confederation. (ISIC Rev. 3.1 0501, 0502, CPC 5133, 5223, 721, 74520, 74540, 74590, 882).

Measures:

BG: Merchant Shipping Code; Law For the Sea Water, Inland Waterways and Ports of the Republic of Bulgaria; Ordinance for the condition and order for selection of Bulgarian carriers for carriage of passengers and cargoes under international treaties; and Ordinance 3 for servicing of unmanned vessels.

With respect to Cross-border trade in services – Local presence:

In DK: Pilotage-providers may only conduct pilotage service in Denmark, if they are domiciled in the EEA and registered and approved by the Danish Authorities in accordance with the Danish Act on Pilotage (CPC 74520).

Measures:

DK: Danish Pilotage Act, §18.

With respect to Investment liberalisation – National treatment, Most-favoured nation treatment and Cross-border trade in services – National treatment, Most-favoured-nation treatment:

In DE (applies also to the regional level of government): A vessel that does not belong to a national of a Member State may only be used for activities other than transport and auxiliary services in the German federal waterways after specific authorisation. Waivers for non-European Union vessels may only be granted if no European Union vessels are available or if they are available under very unfavourable conditions, or on the basis of reciprocity. Waivers for vessels flying under Chilean flag may be granted on the basis of reciprocity (§ 2 paragraph 3 KüSchVO). All activities falling within the scope of the pilot law are regulated and accreditation is restricted to nationals of the EEA or the Swiss Confederation. Provision and Operation of facilities for pilotage is restricted to public authorities or companies, which are designated by them.

For rental or leasing of seagoing vessels with or without operators, and for rental or leasing without operator of non-seagoing vessels, the conclusion of contracts for freight transport by ships flying a foreign flag or the chartering of such vessels may be restricted, depending on the availability of ships flying under the German flag or the flag of another Member State.

Transactions between residents and non-residents concerning within the economic area may be restricted (Water transport, Supporting services for water transport, Rental of ships, Leasing services of ships without operators (CPC 721, 745, 83103, 86751, 86754, 8730)), if they concern:

(i) rental of inland waterway transport vessels, which are not registered in the economic area;

(ii) transport of freight with such inland waterway transport vessels; or

(iii) towing services by such inland waterway transport vessels.

Measures:

DE: Gesetz über das Flaggenrecht der Seeschiffe und die Flaggenführung der Binnenschiffe (Flaggenrechtsgesetz; Flag Protection Act);

Verordnung über die Küstenschifffahrt (KüSchV);

Gesetz über die Aufgaben des Bundes auf dem Gebiet der Binnenschiffahrt (Binnenschiffahrtsaufgabengesetz – BinSchAufgG);

Verordnung über Befähigungszeugnisse in der Binnenschiffahrt (Binnenschifferpatentverordnung – BinSchPatentV);

Gesetz über das Seelotswesen (Seelotsgesetz – SeeLG);

Gesetz über die Aufgaben des Bundes auf dem Gebiet der Seeschiffahrt (Seeaufgabengesetz – SeeAufgG); and

Verordnung zur Eigensicherung von Seeschiffen zur Abwehr äußerer Gefahren (See-Eigensicherungsverordnung – SeeEigensichV).

With respect to Investment liberalisation – National treatment and Cross-border trade in services – National treatment:

In FI: Supporting services for maritime transport when provided in Finnish maritime waters are reserved to fleets operating under the national, European Union or Norwegian flag (CPC 745).

Measures:

FI: Merilaki (Maritime Act) (674/1994); and

Laki elinkeinon harjoittamisen oikeudesta (Act on the Right to Carry on a Trade) (122/1919), s. 4.

(b) Rail transport and auxiliary services to rail transport (CPC 711, 743)

With respect to Investment liberalisation – National treatment, and Cross-border trade in services – National treatment, Local presence:

In BG: Only nationals of a Member State may provide rail transport or supporting services for rail transport in Bulgaria. A licence to carry out passenger or freight transportation by rail is issued by the Minister of Transport to railway operators registered as traders (CPC 711, 743).

Measures:

BG: Law for Railway Transport, Articles. 37, 48.

(c) Road transport and services auxiliary to road transport (CPC 712, 7121, 7122, 71222, 7123)

With respect to Investment liberalisation – National treatment, Most-favoured-nation treatment, and Cross-border trade in services – National treatment, Local presence:

In AT (with respect also to Most-favoured-nation treatment): For passenger and freight transportation, exclusive rights or authorisations may only be granted to nationals of the Contracting Parties of the EEA and to juridical persons of the European Union having their headquarters in Austria. Licences are granted on non–discriminatory terms, under condition of reciprocity (CPC 712).

Measures:

AT: Güterbeförderungsgesetz (Goods Transportation Act), BGBl. Nr. 593/1995; § 5;

Gelegenheitsverkehrsgesetz (Occasional Traffic Act), BGBl. Nr. 112/1996; § 6; and

Kraftfahrliniengesetz (Law on Scheduled Transport), BGBl. I Nr. 203/1999 as amended, §§ 7 and 8.

With respect to Investment liberalisation – National treatment, Most-favoured-nation treatment:

In EL: For operators of road freight transport services. In order to engage in the occupation of road freight transport operator a Hellenic licence is needed. Licences are granted on non–discriminatory terms, under condition of reciprocity (CPC 7123).

Measures:

EL: Licensing of road freight transport operators: Greek law 3887/2010 (Government Gazette A' 174), as amended by Article 5 of law 4038/2012 (Government Gazette A' 14).

With respect to Cross-border trade in services – Local presence:

In CZ: Establishment in the Czech Republic is required.

Measures:

CZ: Act no. 111/1994. Coll. on Road Transport.

With respect to Investment liberalisation – National treatment and Cross-border trade in services – National treatment, Most-favoured-nation treatment:

In SE: In order to engage in the occupation of road transport operator, a Swedish licence is needed. Criteria for receiving a taxi licence include that the company has appointed a natural person to act as the transport manager (a *de facto* residency requirement – see the Swedish reservation on types of establishment).

Criteria for receiving a licence for other road transport operators require that the company be established in the European Union, have an establishment situated in Sweden and have appointed a natural person to act as the transport manager, who must be resident in the European Union.

Measures:

SE: Yrkestrafiklag (2012:210) (Act on professional traffic);

Yrkestrafikförordning (2012:237) (Government regulation on professional traffic);

Taxitrafiklag (2012:211) (Act on Taxis); and

Taxitrafikförordning (2012:238) (Government regulation on taxis).

With respect to Cross-border trade in services – Local presence:

In SK: A taxi service concession and a permit for the operation of taxi dispatching can be granted to a person who has a residence or place of establishment in the territory of the Slovak Republic or in another EEA Member State.

Measures:

SK: Act 56/2012 Coll. on Road Transport

(d) Services auxiliary to air transport services

With respect to Investment liberalisation – National treatment, Most-favoured-nation treatment and Cross-border trade in services – National treatment, Most-favoured-nation treatment:

In EU: For groundhandling services, establishment within the European Union territory may be required. Reciprocity is required.

Measures:

EU: Council Directive 96/67/EC of 15 October 1996[1].

In BE (applies also to the regional level of government): For groundhandling services, reciprocity is required.

Measures:

BE: Arrêté Royal du 6 novembre 2010 réglementant l'accès au marché de l'assistance en escale à l'aéroport de Bruxelles-National (Article 18);

Besluit van de Vlaamse Regering betreffende de toegang tot de grondafhandelingsmarkt op de Vlaamse regionale luchthavens (Article 14); and

Arrêté du Gouvernement wallon réglementant l'accès au marché de l'assistance en escale aux aéroports relevant de la Région wallonne (Article14).

[1] Council Directive 96/67/EC of 15 October 1996 on access to the groundhandling market at Community airports (OJ EU L 272, 25.10.1996, p. 36).

(e) Supporting services for all modes of transport (part of CPC 748)

With respect to Cross-border trade in services – Local presence:

The EU (applies also to the regional level of government): Customs clearance services may only be provided by European Union residents or juridical persons established in the European Union.

Measures:

EU: Regulation (EU) No 952/2013 of the European Parliament and of the Council[1]

[1] Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ EU L 269, 10.10.2013, p. 1).

(f) Provision of combined transport services

With respect to Cross-border trade in services – Local presence:

The EU (applies also to the regional level of government): With the exception of FI: only hauliers established in a Member State who meet the conditions of access to the occupation and access to the market for transport of goods between Member States may, in the context of a combined transport operation between Member States, carry out initial or final road haulage legs which form an integral part of the combined transport operation and which may or may not include the crossing of a frontier. Limitations affecting any given modes of transport apply.

Necessary measures can be taken to ensure that the motor vehicle taxes applicable to road vehicles routed in combined transport are reduced or reimbursed.

Measures:

EU: Council Directive 1992/106/EEC[1].

[1] Council Directive 92/106/EEC of 7 December 1992 on the establishment of common rules for certain types of combined transport of goods between Member States (OJ EU L 368, 17.12.1992, p. 38).

Reservation No. 15 – Mining and Energy related activities

Sector – sub-sector:	Mining and quarrying – energy producing materials; mining and quarrying – metal ores and other mining; Energy related activities – production, transmission and distribution on own account of electricity, gas, steam and hot water; pipeline transportation of fuels; storage and warehouse of fuels transported through pipelines; and services incidental to energy distribution
Industry classification:	ISIC Rev. 3.1 10, 11, 12, 13, 14, 40, CPC 5115, 63297, 713, part of 742, 8675, 883, 887
Type of reservation:	National treatment
	Senior management and boards of directors
	Local presence
Chapter:	Investment liberalisation; Cross-border trade in services
Level of government:	EU/Member State (unless otherwise specified)

Description:

(a) Mining and quarrying (ISIC Rev. 3.1 10, 11, 12: CPC 5115, 7131, 8675, 883)

With respect to Investment liberalisation – National treatment, Most-favoured nation treatment:

In BG: The activities of prospecting or exploration of underground natural resources on the territory of the Republic of Bulgaria, in the continental shelf and in the exclusive economic zone in the Black Sea are subject to permission, while the activities of extraction and exploitation are subject to concession granted under the Underground Natural Resources Act.

It is forbidden for companies registered in preferential tax treatment jurisdictions (that is, offshore zones) or related, directly or indirectly, to such companies to participate in open procedures for granting permits or concessions for prospecting, exploration or extraction of natural resources, including uranium and thorium ores, as well as to operate an existing permit or concession which has been granted, as such operations are precluded, including the possibility to register the geological or commercial discovery of a deposit as a result of exploration.

The mining of uranium ore is closed by Decree of the Council of Ministers No. 163 of 20 August 1992.

With regard to exploration and mining of thorium ore, the general regime of permits and concessions applies. Decisions to allow the exploration or mining of thorium ore are taken on a non-discriminatory individual case-by-case basis.

According to Decision of the National Assembly of the Republic of Bulgaria of 18 January 2012 (ch. 14 June 2012) any usage of hydraulic fracturing technology that is, fracking, for activities of prospecting, exploration or extraction of oil and gas is forbidden.

Exploration and extraction of shale gas is forbidden (ISIC 10, 11, 12, 13, 14).

Measures:

BG: Underground Natural Resources Act;

Concessions Act;

Law on Privatisation and Post-Privatisation Control;

Safe Use of Nuclear Energy Act; Decision of the National Assembly of the Republic of Bulgaria of 18 January 2012; Economic and Financial Relations with Companies Registered in Preferential Tax Treatment Jurisdictions, the Persons Controlled Thereby and Their Beneficial Owners Act; and Subsurface Resources Act.

With respect to Investment liberalisation – National treatment, Most-favoured nation treatment:

In CY: The Council of Ministers may refuse to allow the activities of prospection, exploration and exploitation of hydrocarbons to be carried out by any entity which is effectively controlled by Chile or by nationals of Chile. After the granting of an authorisation, no entity may come under the direct or indirect control of Chile or a national of Chile without the prior approval of the Council of Ministers. The Council of Ministers may refuse to grant an authorisation to an entity which is effectively controlled by Chile or by a national of Chile, if Chile does not grant entities of the Republic of Cyprus or entities of Member States as regards access to and exercise of the activities of prospecting, exploring for and exploiting hydrocarbons, treatment comparable to that which the Republic of Cyprus or Member State grants entities from Chile (ISIC Rev 3.1 1110).

Measures:

CY: The Hydrocarbons (Prospection, Exploration and Exploitation Law) of 2007, (Law 4(I)/2007) as amended.

With respect to Investment liberalisation – National treatment and Cross-border services – Local presence:

In SK: For mining, activities related to mining and geological activity, incorporation in the EEA is required (no branching). Mining and prospecting activities covered by Act of the Slovak Republic 44/1988 on protection and exploitation of natural resources are regulated on a non-discriminatory basis, including through public policy measures seeking to ensure the conservation and protection of natural resources and the environment such as the authorisation or prohibition of certain mining technologies. For greater certainty, such measures include the prohibition of the use of cyanide leaching in the treatment or refining of minerals, the requirement of a specific authorisation in the case of fracking for activities of prospecting, exploration or extraction of oil and gas, as well as prior approval by local referendum in the case of nuclear/radioactive mineral resources. This does not increase the non-conforming aspects of the existing measure for which the reservation is taken.
(ISIC 10, 1112, 13, 14, CPC 5115, 7131, 8675 and 883).

Measures

SK: Act 51/1988 on Mining, Explosives and State Mining Administration; and Act 569/2007 on Geological Activity, Act 44/1988 on protection and exploitation of natural resources.

With respect to Cross-border trade in services – Local presence:

In FI: The exploration for and exploitation of mineral resources are subject to a licensing requirement, which is granted by the Government in relation to the mining of nuclear material. A permit of redemption for a mining area is required from the Government. Permission may be granted to a natural person resident in the EEA or a juridical person established in the EEA. (ISIC Rev. 3.1 120, CPC 5115, 883, 8675).

In IE: Exploration and mining companies operating in Ireland are required to have a presence there. In the case of minerals exploration, there is a requirement that companies (Irish and foreign) employ either the services of an agent or a resident exploration manager in Ireland while work is being undertaken. In the case of mining, it is a requirement that a State Mining Lease or License be held by a company incorporated in Ireland. There are no restrictions as to ownership of such a company (ISIC Rev. 3.1 10, 3.1 13, 3.1 14, CPC 883).

In LT: All subsurface mineral resources (energy, metals, industrial and construction minerals) in Lithuania are of exclusive state-ownership. Licenses of geological exploration or exploitation of mineral resources may be granted to a natural person resident in the EU and in the EEA or a juridical person established in the EU and in the EEA.

Measures

FI: Kaivoslaki (Mining Act) (621/2011); and

Ydinenergialaki (Nuclear Energy Act) (990/1987).

IE: Minerals Development Acts 1940 – 2017; and Planning Acts and Environmental Regulations.

LT: The Constitution of the Republic of Lithuania, 1992. Last amendment 21 of March 2019 No. XIII-2004, The Underground Law No. I-1034, 1995, new redaction from 10 of April 2001 No. IX-243, last amendment 14 of April 2016 No XII-2308.

With respect only to Investment – National treatment and Cross-border trade in services – Local presence:

In SI: The exploration for and exploitation of mineral resources, including regulated mining services, are subject to establishment in or citizenship of the EEA, the Swiss Confederation or an OECD Member(ISIC Rev. 3.1 10, ISIC Rev. 3.1 11, ISIC Rev. 3.1 12, ISIC Rev. 3.1 13, ISIC Rev. 3.1 14, CPC 883, CPC 8675).

Measures

SI: Mining Act 2014.

(b) Production, transmission and distribution on own account of electricity, gas, steam and hot water; pipeline transportation of fuels; storage and warehouse of fuels transported through pipelines; services incidental to energy distribution (ISIC Rev. 3.1 40, 401, CPC 63297, 713, part of 742, 74220, 887)

With respect to Investment liberalisation – National treatment, Senior management and boards of directors and Cross-border trade in services – National treatment, Local presence:

In AT: With regard to the transportation of gas authorisation is only granted to nationals of a Member State of the EEA domiciled in the EEA. Enterprises and partnerships must have their seat in the EEA. The operator of the network must appoint a Managing Director and a Technical Director who is responsible for the technical control of the operation of the network, both of whom must be nationals of a member state of the EEA. With regard to the activity performed by a balance responsible party au-thorisation is only granted to Austrian citizens or citizens of another Member State of the EU or the EEA.

The competent authority may waive the nationality and domiciliation requirements where the operation of the network is considered to be in the public interest.

For the transportation of goods other than gas and water, the following applies:

(i) with regard to natural persons, authorisation is only granted to EEA-nationals who must have a seat in Austria; and

(ii) enterprises and partnerships must have their seat in Austria. An Economic Needs Test or interest test is applied. Cross border pipelines must not jeopardise Austria's security interests and its status as a neutral country. Enterprises and partnerships have to appoint a managing director who must be a national of a member state of the EEA. The competent authority may waive the nationality and seat requirements if the operation of the pipeline is considered to be in the national economic interest (CPC 713).

Measures:

AT: Rohrleitungsgesetz (Law on Pipeline Transport), BGBl. Nr. 411/1975 as amended, §§ 5, 15;

Gaswirtschaftsgesetz 2011 (Gas Act), BGBl. I Nr. 107/2011 as amended, §§ 43, 44, 90, 93.

With respect to Investment liberalisation – National treatment, Senior management and boards of director and Cross-border trade in services – (applies only to the regional level of government) National treatment, Local presence:

In AT: With regard to transmission and distribution of electricity, authorisation is only granted to nationals of a Member State of the EEA domiciled in the EEA. If the operator appoints a managing director or a leaseholder, the domicile requirement is waived.

Juridical persons (enterprises) and partnerships must have their seat in the EEA. They must appoint a managing director or a leaseholder, both of whom must be nationals of a Member State of the EEA domiciled in the EEA.

The competent authority may waive the domicile and nationality requirements where the operation of the network is considered to be in the public interest (ISIC Rev. 3.1 40, CPC 887).

Measures:

AT: Burgenländisches Elektrizitätswesengesetz 2006, LGBl. Nr. 59/2006 as amended;

Niederösterreichisches Elektrizitätswesengesetz, LGBl. Nr. 7800/2005 as amended;

Oberösterreichisches Elektrizitätswirtschafts- und – organisationsgesetz 2006), LGBl. Nr. 1/2006 as amended;

Salzburger Landeselektrizitätsgesetz 1999 (LEG),LGBl. Nr. 75/1999 as amended;

Tiroler Elektrizitätsgesetz 2012 – TEG 2012, LGBl. Nr. 134/2011 as amended;

Vorarlberger Elektrizitätswirtschaftsgesetz, LGBl. Nr. 59/2003 as amended;

Wiener Elektrizitätswirtschaftsgesetz 2005 – WElWG 2005, LGBl. Nr. 46/2005 as amended;

Steiermärkisches Elektrizitätswirtschafts- und Organisationsgesetz(ELWOG), LGBl. Nr. 70/2005 as amended;

Kärntner Elektrizitätswirtschafts-und Organisationsgesetz(ELWOG), LGBl. Nr. 24/2006 as amended.

With respect to Investment liberalisation – National treatment and Cross-border trade in services – Local presence:

In CZ: For electricity generation, transmission, distribution, trading, and other electricity market operator activities, as well as gas generation, transmission, distribution, storage and trading, as well as heat generation and distribution, authorisation is required. Such authorisation may only be granted to a natural person with a residence permit or a juridical person established in the European Union. (ISIC Rev. 3.1 40, CPC 7131, 63297, 742, 887).

In LT: The licences for transmission, distribution, public supply and organizing of trade of electricity may only be issued to juridical persons established in the Republic of Lithuania or branches of foreign juridical persons or other organisations of another Member State established in the Republic of Lithuania. The permits to generate electricity, develop electricity generation capacities and build a direct line may be issued to individuals with residency in the Republic of Lithuania or to juridical persons established in the Republic of Lithuania, or to branches of juridical persons or other organizations of another Member State established in the Republic of Lithuania. This reservation does not apply to consultancy services related to the transmission and distribution on a fee or contract basis of electricity (ISIC Rev. 3.1 401, CPC 887).

In the case of fuels, establishment is required. Licences for transmission and distribution, storage of fuels and liquefaction of natural gas may only be issued to juridical persons established in the Republic of Lithuania or branches of juridical persons or other organisations (subsidiaries) of another Member State established in the Republic of Lithuania.

This reservation does not apply to consultancy services related to the transmission and distribution on a fee or contract basis of fuels (CPC 713, CPC 887).

In PL: the following activities are subject to licensing under the Energy Law Act:

(i) generation of fuels or energy, except for: generation of solid or gaseous fuels; generation of electricity using electricity sources of the total capacity of not more than 50 MW other than renewable energy sources; cogeneration of electricity and heat using sources of the total capacity of not more than 5 MW other than renewable energy sources; generation of heat using the sources of the total capacity of not more than 5 MW;

(ii) storage of gaseous fuels in storage installations, liquefaction of natural gas and regasification of liquefied natural gas at LNG installations, as well as the storage of liquid fuels, except for: the local storage of liquid gas at installations of the capacity of less than 1 MJ/s capacity and the storage of liquid fuels in retail trade;

(iii) transmission or distribution of fuels or energy, except for: the distribution of gaseous fuels in grids of less than 1 MJ/s capacity and the transmission or distribution of heat if the total capacity ordered by customers does not exceed 5 MW;

(iv) trade in fuels or energy, except for: the trade in solid fuels; the trade in electricity using installations of voltage lower than 1 kV owned by the customer; the trade in gaseous fuels if their annual turnover value does not exceed the equivalent of EUR 100 000; the trade in liquid gas, if the annual turnover value does not exceed EUR 10 000; and the trade in gaseous fuels and electricity performed on commodity exchanges by brokerage houses which conduct the brokerage activity on the exchange commodities on the basis of the Act of 26 October 2000 on commodity exchanges, as well as the trade in heat if the capacity ordered by the customers does not exceed 5 MW. The limits on turnover do not apply to wholesale trade services in gaseous fuels or liquid gas or to retail services of bottled gas.

A licence may only be granted by the competent authority to an applicant that has registered their principal place of business or residence in the territory of a Member State of the EEA or the Swiss Confederation (ISIC Rev. 3.1 040, CPC 63297, 74220, CPC 887).

Measures:

CZ: Act No. 458/2000 Coll on Business conditions and public administration in the energy sectors (The Energy Act).

LT: Law on Natural Gas of the Republic of Lithuania of 10 October 2000 No VIII-1973, new redaction from 1 August 2011 No XI-1564, last amendment 25 June 2020 No. XIII-3140; Law on Electricity of the Republic of Lithuania of 20 July 2000 No VIII-1881, new redaction from 7 February 2012, last amendment 20 of October 2020 No. XIII-3336; Law on Necessary measures to protect against non-safe nuclear electrical threats from third countries of 20 April 2017 No XIII-306, last amendment on 19 December 2019 No. XIII-2705; Law on Renewable energy sources of the Republic of Lithuania of 12 May 2011 No. XI-1375.

PL: Energy Law Act of 10 April 1997, Articles 32 and 33.

With respect to Cross-border trade in services – Local presence:

In SI: The production, trading, supply to final customers, transmission and distribution of electricity and natural gas is subject to establishment in the European Union (ISIC Rev. 3.1 4010, 4020, CPC 7131, CPC 887).

Measures:

SI: Energetski zakon (Energy Act) 2014, Official Gazette RS, nr. 17/2014; and Mining Act 2014.

Reservation No. 16 – Agriculture, fishing and manufacturing

Sector – sub-sector:	Agriculture, hunting, forestry; animal and reindeer husbandry, fishing and aquaculture; publishing, printing and reproduction of recorded media
Industry classification:	ISIC Rev. 3.1 011, 012, 013, 014, 015, 1531, 050, 0501, 0502, 221, 222, 323, 324, CPC 881, 882, 88442
Type of reservation:	National treatment
	Most-favoured-nation treatment
	Performance requirements
	Senior management and boards of directors
	Local presence
Chapter:	Investment liberalisation; Cross-border trade in services
Level of government:	EU/Member State (unless otherwise specified)

Description:

(a) Agriculture, hunting and forestry (ISIC Rev. 3.1 011, 012, 013, 014, 015, 1531, CPC 881)

With respect to Investment liberalisation – National treatment:

In IE: Establishment by foreign residents in flour milling activities is subject to authorisation (ISIC Rev. 3.1 1531).

Measures:

IE: Agriculture Produce (Cereals) Act, 1933.

With respect to Investment liberalisation – National treatment:

In FI: Only nationals of a Member State of the EEA resident in the reindeer herding area may own reindeer and practice reindeer husbandry. Exclusive rights may be granted.

In FR: Prior authorisation is required in order to become a member or act as a director of an agricultural cooperative (ISIC Rev. 3.1 011, 012, 013, 014, 015).

In SE: Only Sami people may own and practice reindeer husbandry.

Measures:

FI: Poronhoitolaki (Reindeer Husbandry Act) (848/1990), Chapter 1, s. 4, Protocol 3 to the Accession Treaty of Finland.

FR: Code rural et de la pêche maritime.

SE: Reindeer Husbandry Act (1971:437), section 1.

(b) Fishing and aquaculture (ISIC Rev. 3.1 050, 0501, 0502, CPC 882)

With respect to Investment liberalisation – National treatment:

In FR: A French vessel flying the French flag may be issued a fishing authorisation or may be allowed to fish on the basis of national quotas only when a real economic link on the territory of France is established and the vessel is directed and controlled from a permanent establishment located on the territory of France (ISIC Rev. 3.1 050, CPC 882).

Measures:

FR: Code rural et de la pêche maritime.

(c) Manufacturing - Publishing, printing and reproduction of recorded media (ISIC Rev. 3.1 221, 222, 323, 324, CPC 88442)

With respect to Investment liberalisation – National treatment and Cross-border services: National treatment, Local presence:

In LV: Only juridical persons incorporated in Latvia, and natural persons of Latvia have the right to found and publish mass media. Branches are not allowed (CPC 88442).

Measures:

LV: Law on the Press and Other Mass Media, s. 8.

With respect to Investment liberalisation – National treatment, Most-favoured nation treatment and Cross-border trade in services – Local presence, Most-favoured nation treatment:

In DE: Each publicly distributed or printed newspaper, journal, or periodical must clearly indicate a "responsible editor" (the full name and address of a natural person). The responsible editor may be required to be a permanent resident of Germany, the European Union or an EEA Member State. Exceptions may be allowed by the competent authority of the regional level of government (ISIC Rev. 3.1 22).

Measures:

DE:

Regional level:

Gesetz über die Presse Baden-Württemberg (LPG BW);

Bayerisches Pressegesetz (BayPrG);

Berliner Pressegesetz (BlnPrG);

Brandenburgisches Landespressegesetz (BbgPG);

Gesetz über die Presse Bremen (BrPrG);

Hamburgisches Pressegesetz;

Hessisches Pressegesetz (HPresseG);

Landespressegesetz für das Land Mecklenburg-Vorpommern (LPrG M-V);

Niedersächsisches Pressegesetz (NPresseG);

Pressegesetz für das Land Nordrhein-Westfalen (Landespressegesetz NRW);

Landesmediengesetz (LMG) Rheinland-Pfalz;

Saarländisches Mediengesetz (SMG);

Sächsisches Gesetz über die Presse (SächsPresseG);

Pressegesetz für das Land Sachsen-Anhalt (Landespressegesetz);

Gesetz über die Presse Schleswig-Holstein (PressG SH);

Thüringer Pressegesetz (TPG).

With respect to Investment liberalisation – National Treatment, Most-favoured nation treatment:

In IT: In so far as Chile allows Italian nationals and enterprises to conduct these activities, Italy will allow nationals and enterprises of Chile to conduct these activities under the same conditions. In so far as Chile allow Italian investors to own more than 49 % of the capital and voting rights in a publishing company of Chile, then Italy will allow investors of Chile to own more than 49 % of the capital and voting rights in an Italian publishing company under the same conditions (ISIC Rev. 3.1 221, 222).

Measures:

IT: Law 416/1981, Article 1 (and subsequent amendments).

With respect to Investment liberalisation – Senior management and boards of directors:

In PL: Nationality is required for the editor-in-chief of newspapers and journals (ISIC Rev. 3.1 221, 222).

Measures:

PL: Act of 26 January 1984 on Press law, Journal of Laws, No. 5, item 24, with subsequent amendments.

With respect to Investment liberalisation – National treatment and Cross-border trade in services – National treatment, Local presence:

In SE: Natural persons who are owners of periodicals that are printed and published in Sweden must reside in Sweden or be nationals of a Member State of the EEA. Owners of such periodicals who are juridical persons must be established in the EEA. Periodicals that are printed and published in Sweden and technical recordings must have a responsible editor, who must be domiciled in Sweden (ISIC Rev. 3.1 22, CPC 88442).

Measures:

SE: Freedom of the press act (1949:105);

Fundamental law on Freedom of Expression (1991:1469); and

Act on ordinances for the Freedom of the Press Act and the Fundamental law on Freedom of Expression (1991:1559).

Appendix 10-A-2

SCHEDULE OF CHILE

1. "Description" provides a general non-binding description of the measure for which the entry is made.

2. In accordance with Articles 10.11 and 11.8, the Articles of this Agreement specified in the Obligations Concerned element of an entry do not apply to the non-conforming aspects of the law, regulation or other measure identified in the Measures element of that entry.

Sector:	All
Sub-Sector:	
Obligations Concerned:	National Treatment (Investment)
Level of Government:	Central
Measures:	Decree Law 1.939, Official Gazette, 10 November 1977, Rules for acquisition, administration and disposal of State owned assets, Title I (Decreto Ley 1.939, 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, 10 November 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 1.939 (Decreto Ley 1.939), apply. "State land" for these purposes refers to State owned land up to a distance of 10 kilometres from the border and up to a distance of five kilometres from the coastline, measured from the high-tide line.

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 % 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) based on considerations of national interest.

Sector:	All
Sub-Sector:	
Obligations Concerned:	Performance Requirements (Investment)
Level of Government:	Central
Measures:	Decree with Force of Law (D.F.L.) 1 of the Ministry of Labour and Social Welfare, Official Gazette, 24 January 1994, Labour Code, Preliminary Title, Book I, Chapter III (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)

Description: Investment

A minimum of 85 % of employees who work for the same employer shall be Chilean natural persons or foreigners with more than five years of residence in Chile. This rule applies to employers with more than 25 employees under a contract of employment (contrato de trabajo[1]). Expert technical personnel shall not be subject to this provision, as determined by the Directorate of Labour (Dirección del Trabajo).

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.

[1] For greater certainty, a contract of employment (contrato de trabajo) is not mandatory for the supply of cross-border trade in services.

Sector:	Communications
Sub-Sector:	
Obligations Concerned:	National Treatment (Investment and CBTS)
	Most-Favoured-Nation Treatment (Investment and CBTS)
	Performance Requirements (Investment)
	Senior Management and Boards of Directors (Investment)
	Local Presence (CBTS)
Level of Government:	Central
Measures:	Law 18.838, Official Gazette, 30 September 1989, National Television Council, Titles I, II and III (Ley 18.838, Diario Oficial, septiembre 30, 1989, Consejo Nacional de Televisión, Títulos I, II y III)

Law 18.168, Official Gazette, 2 October 1982, General Telecommunications Law, Titles I, II and III (Ley 18.168, Diario Oficial, octubre 2, 1982, Ley General de Telecomunicaciones, Títulos I, II y III)

Law 19.733, Official Gazette, 4 June 2001, Law on Liberties of Opinion and Information and the Exercise of Journalism, Titles I and III (Ley 19.733, Diario Oficial, junio 4, 2001, Ley sobre las Libertades de Opinión e Información y Ejercicio del Periodismo, Títulos I y III)

Description: Investment and Cross-Border Trade in Services

The owner of a social communication medium, such as those that transmit on a regular basis sounds, texts or images, 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 territory of Chile.

Only Chilean nationals may be presidents, administrators or legal representatives of such a juridical person.

The owner of a concession to supply (a) public telecommunication services; (b) intermediate telecommunication services supplied to telecommunications services through facilities and networks established for that purpose; and (c) sound broadcasting, shall be a juridical person constituted and domiciled in Chile.

Only Chilean nationals may be presidents, managers, administrators or legal representatives of such a juridical person.

In the case of public radio broadcasting services, the board of directors may include foreigners, only if they do not represent the majority.

In the case of a social communication medium, the legally responsible director and the person who subrogates him or her must be Chilean, with domicile and residence in Chile, unless the social communication medium uses a language other than Spanish.

Requests for public radio broadcasting concessions submitted by juridical persons in which foreigners hold an interest exceeding 10 % 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 (Consejo Nacional de Televisión) may establish, as a general requirement that, programs broadcasted through public (open) television channels include up to 40 % of Chilean production.

Sector:	Energy
Sub-Sector:	
Obligations Concerned:	National Treatment (Investment)
	Performance Requirements (Investment)
Level of Government:	Central
Measures:	Political Constitution of the Republic of Chile, Chapter III (Constitución Política de la República de Chile, Capítulo III)
	Law 18.097, Official Gazette, 21 January 1982, Constitutional Organic Law on Mining Concessions, Titles I, II and III (Ley 18.097, Diario Oficial, enero 21, 1982, Orgánica Constitucional sobre Concesiones Mineras, Títulos I, II y III)
	Law 18.248, Official Gazette, 14 October 1983, Mining Code, Titles I and II (Ley 18.248, Diario Oficial, octubre 14, 1983, Código de Minería, Títulos I y II)

Law 16.319, Official Gazette, 23 October 1965, Creates the Chilean Nuclear Energy Commission, Titles I, II and III (Ley 16.319, Diario Oficial, octubre 23, 1965, Crea la Comisión Chilena de Energía Nuclear, Títulos I, II y III)

Description: Investment

The exploration, exploitation, and treatment (beneficio) 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 requirements and the conditions to be determined in each case by a Supreme Decree. 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.

Sector:	Mining
Sub-Sector:	
Obligations Concerned:	National Treatment (Investment)
	Performance Requirements (Investment)
Level of Government:	Central
Measures:	Political Constitution of the Republic of Chile, Chapter III (Constitución Política de la República de Chile, Capítulo III)
	Law 18.097, Official Gazette, 21 January 1982, Constitutional Organic Law on Mining Concessions, Titles I, II and III (Ley 18.097, Diario Oficial, enero 21, 1982, Orgánica Constitucional sobre Concesiones Mineras, Títulos I, II y III)
	Law 18.248, Official Gazette, 14 October 1983, Mining Code, Titles I and III (Ley 18.248, Diario Oficial, octubre 14, 1983, Código de Minería, Títulos I y III)

Law 16.319, Official Gazette, 23 October 1965, Creates the Chilean Nuclear Energy Commission, Titles I, II and III (Ley 16.319, Diario Oficial, octubre 23, 1965, Crea la Comisión Chilena de Energía Nuclear, Títulos I, II y III)

Description: Investment

The exploration, exploitation, and treatment (beneficio) 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.

Chile has the right of first offer at market prices and terms for the purchase of mineral products when thorium and uranium are contained in significant quantities.

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

(a) liquid or gaseous hydrocarbons;

(b) lithium;

(c) deposits of any kind existing in sea waters subject to national jurisdiction; and

(d) 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 in subparagraphs (a), (b) and (c) above through a sound technical procedure and to commercialise and deliver those substances shall be lower than their commercial value.

For greater certainty, the procedures for the granting of administrative concessions or special operation contracts do not, as applicable, *per se*, establish discriminatory treatment towards foreign investors. However, if Chile decides to exploit any of the above-mentioned mining resources by means of a competitive process granting to investors a concession or a special operating contract, the decision will be based solely on the terms of the tender in a transparent process of competitive non-discriminatory bidding.

Unless the conditions of the contract or concession stated otherwise, a subsequent transfer or disposal of whole or part of any right conferred under the contract or concession, shall not be conditioned upon the nationality of the acquirer.

Furthermore, only the Chilean Nuclear Energy Commission (Comisión Chilena de Energía Nuclear), or parties authorised by the Commission, may execute or enter into juridical acts regarding extracted natural atomic materials and lithium, as well as their concentrates, derivatives and compounds.

Sector:	Fisheries
Sub-Sector:	Aquaculture
Obligations Concerned:	National Treatment (Investment)
Level of Government:	Central
Measures:	Decree 430, consolidated, coordinated and systematized text of Law 18.892 from 1989 and its modifications, General Law on Fisheries and Aquaculture, Official Gazette, 21 January 1992 Titles I and VI (Decreto 430 fija el texto refundido, coordinado y sistematizado de la ley N° 18.892, de 1989 y sus modificaciones, Ley General de Pesca y Acuicultura Ley 18.892, Diario Oficial, enero 21, 1992, Títulos I y VI)
Description:	Investment 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.

Sector:	Fisheries and Fishing Related Activities
Sub-Sector:	
Obligations Concerned:	National Treatment (Investment and CBTS)
	Most-Favoured-Nation Treatment (Investment and CBTS)
	Senior Management and Boards of Directors (Investment)
	Local Presence (CBTS)
Level of Government:	Central
Measures:	Decree 430, consolidated, coordinated and systematized text of Law 18.892 from 1989 and its modifications, General Law on Fisheries and Aquaculture, Official Gazette, 21 January 1992 Titles I, III, IV and IX (Decreto 430 fija el texto refundido, coordinado y sistematizado de la ley N° 18.892, de 1989 y sus modificaciones, Ley General de Pesca y Acuicultura, diario oficial, enero 21, 1992, Títulos I, III, IV y IX)

Decree Law 2.222, Official Gazette, 31 May 1978, Navigation Law, Titles I and II (Decreto Ley 2.222, Diario Oficial, mayo 31, 1978, Ley de Navegación, Títulos I y II)

Description: Investment and Cross-Border Trade in Services

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 of Chile. "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 % 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 30 June 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 artisanal fishing (pesca artesanal) activities shall be subject to registration in the Registry for Artisanal Fishing (Registro de Pesca Artesanal). Registration for artisanal fishing (pesca artesanal) is only granted to Chilean natural persons and foreign natural persons with permanent residency, or a Chilean juridical person constituted by those persons.

Sector:	Specialised Services
Sub-Sector:	Customs agents (agentes de aduana) and brokers (despachadores de aduana)
Obligations Concerned:	National Treatment (CBTS)
	Local Presence (CBTS)
Level of Government:	Central
Measures:	Decree with Force of Law (D.F.L.) 30 of the Ministry of Finance, Official Gazette, 13 April 1983, Book IV (D.F.L. 30 del Ministerio de Hacienda, Diario Oficial, abril 13, 1983, Libro IV)
	Decree with Force of Law (D.F.L.) 2 of the Ministry of Finance, 1998 (D.F.L. 2 del Ministerio de Hacienda, 1998)
Description:	Cross-Border Trade in Services
	Only Chilean natural persons with residency in Chile may act as customs brokers (despachadores de aduana) or agents (agentes de aduana) in the territory of Chile.

Sector:	Investigation and Security Services
Sub-Sector:	Guard services
Obligations Concerned:	National Treatment (CBTS)
Level of Government:	Central
Measures:	Decree 1.773 of the Ministry of Interior, Official Gazette, 14 November 1994 (Decreto 1.773 del Ministerio del Interior, Diario Oficial, noviembre 14, 1994)
Description:	Cross-Border Trade in Services Only Chilean nationals and permanent residents may provide services as private security guards.

Sector:	Business Services
Sub-Sector:	Research services
Obligations Concerned:	National Treatment (CBTS)
Level of Government:	Central
Measures:	Supreme Decree 711 of the Ministry of National Defence, Official Gazette, 15 October 1975 (Decreto Supremo 711 del Ministerio de Defensa Nacional, Diario Oficial, octubre 15, 1975)
Description:	Cross-Border Trade in Services 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 (Instituto Hidrográfico de la Armada de Chile) and shall comply with the requirements established in the corresponding regulation. Chilean natural and juridical persons shall be required to submit a request three months in advance to the Chilean Army Hydrographic Institute (Instituto Hidrográfico de la Armada de Chile) and shall comply with the requirements established in the corresponding regulation.

Sector:	Business Services
Sub-Sector:	Research services
Obligations Concerned:	National Treatment (CBTS)
Level of Government:	Central
Measures:	Decree with Force of Law (D.F.L.) 11 of the Ministry of Economic Affairs, Development and Reconstruction, Official Gazette, 5 December 1968 (D.F.L. 11 del Ministerio de Economía, Fomento y Reconstrucción, Diario Oficial, diciembre 5, 1968) Decree 559 of the Ministry of Foreign Affairs, Official Gazette, 24 January 1968 (Decreto 559 del Ministerio de Relaciones Exteriores, Diario Oficial, enero 24, 1968) D.F.L. 83 of the Ministry of Foreign Affairs, Official Gazette, 27 March 1979 (D.F.L. 83 del Ministerio de Relaciones Exteriores, Diario Oficial, marzo 27, 1979) Supreme Decree 1166 of the Ministry of Foreign Affairs, Official Gazette, 20 July 1999 (Decreto Supremo 1166 del Ministerio de Relaciones Exteriores, Diario Oficial, julio 20, 1999)

Description: Cross-Border Trade in Services

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 those natural persons. The Chilean consul shall then send such application directly to the National Directorate of Borders and Frontiers of the State (Dirección Nacional de Fronteras y Límites del Estado). 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 (Dirección Nacional de Fronteras y Límites del Estado) shall authorise and 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.

Sector:	Business Services
Sub-Sector:	Research in social sciences
Obligations Concerned:	National Treatment (CBTS)
Level of Government:	Central
Measures:	Law 17.288, Official Gazette, 4 February 1970, Title V (Ley 17.288, Diario Oficial, febrero 4, 1970, Título V) Supreme Decree 484 of the Ministry of Education, Official Gazette, 2 April 1991 (Decreto Supremo 484 del Ministerio de Educación, Diario Oficial, abril 2, 1991)
Description:	Cross-Border Trade in Services Foreign juridical or foreign natural persons intending to perform excavations, surveys, probing or collect anthropological, archaeological or paleontological material must apply for a permit from the National Monuments Council (Consejo de Monumentos Nacionales). 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.

That permit can be granted to (1) Chilean researchers having the pertinent scientific background in archaeology, anthropology or palaeontology, 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 recognised by the National Monuments Council (Consejo de Monumentos Nacionales), professional archaeologists, anthropologists or palaeontologists, as appropriate, and the members of the Chilean Society of Archeology (Sociedad Chilena de Arqueología) shall be authorised to perform salvage-related works. Salvage-related works involve the urgent recovery of data or archaeological, anthropological or paleontological artefacts or species threatened by imminent loss.

Sector:	Business Services
Sub-Sector:	Printing, publishing and other related industries
Obligations Concerned:	National Treatment (Investment)
	Most-Favoured-Nation Treatment (Investment)
	Senior Management and Boards of Directors (Investment)
Level of Government:	Central
Measures:	Law 19.733, Official Gazette, 4 June 2001, Law on Liberties of Opinion and Information and the Exercise of Journalism, Titles I and III (Ley 19.733, Diario Oficial, junio 4, 2001, Ley sobre las Libertades de Opinión e Información y Ejercicio del Periodismo, Títulos I y III)

Description: Investment

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 territory of Chile.

Only Chilean nationals may be president, administrators or legal representatives of the juridical person operating in Chile, as described above.

The director legally responsible and the person who replaces him or her must be Chilean with domicile and residence in Chile. Chilean nationality will not be required in case a social communication medium uses a language different from Spanish.

Sector:	Professional Services
Sub-Sector:	Accounting, auditing, book-keeping and taxation services
Obligations Concerned:	National Treatment (CBTS)
	Local Presence (CBTS)
Level of Government:	Central
Measures:	Law 18.046, Official Gazette, 22 October 1981, Corporations Law, Title V (Ley 18.046, Diario Oficial, octubre 22, 1981, Ley de Sociedades Anónimas, Título V)
	Supreme Decree 702 of the Ministry of Finance, Official Gazette, 6 July 2012, Corporations Act (Decreto Supremo 702 del Ministerio de Hacienda, Diario Oficial, julio 6, 2012, Reglamento de Sociedades Anónimas)
	Decree Law 1.097, Official Gazette, 25 July 1975, Titles I, II, III and IV (Decreto Ley 1.097, Diario Oficial, julio 25, 1975, Títulos I, II, III y IV)

Decree Law 3.538, Official Gazette, 23 December 1980, Titles I, II, III and IV (Decreto Ley 3.538, Diario Oficial, diciembre 23, 1980, Títulos I, II, III y IV)

Circular 2.714, 6 October 1992; Circular 1, 17 January 1989; Chapter 19 Updated Collection, Superintendence of Banks and Financial Institutions Norms on External Auditors (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)

Circular 327, 29 June 1983 and Circular 350, 21 October 1983, Superintendence of Securities and Insurance (Circular 327, junio 29, 1983 y Circular 350, octubre 21, 1983, de la Superintendencia de Valores y Seguros)

Description: Cross-Border Trade in Services

External auditors of financial institutions must be registered in the Registry of External Auditors kept by the Financial Market Commission (Comisión para el Mercado Financiero). Only Chilean juridical persons legally incorporated as partnerships (sociedades de personas) or associations (asociaciones) and whose main line of business is auditing services may be inscribed in the Registry.

Sector:	Professional Services
Sub-Sector:	Legal services
Obligations Concerned:	National Treatment (CBTS)
	Local Presence (CBTS)
Level of Government:	Central
Measures:	Tribunals Organic Code, Title XV, Official Gazette, 9 July 1943 (Código Orgánico de Tribunales, Título XV, Diario Oficial, julio 9, 1943)
	Decree 110 of the Ministry of Justice, Official Gazette, 20 March 1979 (Decreto 110 del Ministerio de Justicia, Diario Oficial, marzo 20, 1979)
	Law 18.120, Official Gazette, 18 May 1982 (Ley 18.120, Diario Oficial, mayo 18, 1982)

Description:	Cross-Border Trade in Services
	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 (abogados).
	Only lawyers (abogados) 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.
	None of these measures apply to foreign legal consultants who practise or advise on international law or on the law of the other Party.

Sector:	Professional, Technical and Specialised Services
Sub-Sector:	Auxiliary services in the administration of justice
Obligations Concerned:	National Treatment (CBTS)
	Local Presence (CBTS)
Level of Government:	Central
Measures:	Tribunals Organic Code, Titles XI and XII, Official Gazette, 9 July 1943, (Código Orgánico de Tribunales, Títulos XI y XII, Diario Oficial, julio 9, 1943)
	Real State Custodian Registry Act, Titles I, II and III, Official Gazette, 24 June 1857 (Reglamento del Registro Conservador de Bienes Raíces, Títulos I, II y III, Diario Oficial, junio 24, 1857)
	Law 18.118, Official Gazette, 22 May 1982, Title I (Ley 18.118, Diario Oficial, mayo 22, 1982, Título I)
	Decree 197 of the Ministry of Economic Affairs, Development and Reconstruction, Official Gazette, 8 August 1985 (Decreto 197 del Ministerio de Economía, Fomento y Reconstrucción, Diario Oficial, agosto 8, 1985)

Law 18.175, Official Gazette, 28 October 1982, Title III (Ley 18.175, Diario Oficial, octubre 28, 1982, Título III)

Description: Cross-Border Trade in Services

Justice ancillaries (auxiliares de la administración de justicia) must have their residence in the same city or place where the court house for which they render services is domiciled.

Public defenders (defensores públicos), public notaries (notarios públicos), and custodians (conservadores) shall be Chilean natural persons and fulfil the same requirements needed to become a judge.

Archivists (archiveros), public defenders (defensores públicos) and arbitrators at law (árbitros 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 Chile. Lawyers of the other Party may assist in arbitration when dealing with the law of that the other Party and international law and when the private parties request it.

Only Chilean natural persons with the right to vote, and foreign natural persons with permanent residence in Chile 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.

Sector:	Transportation
Sub-Sector:	Water transport services and shipping
Obligations Concerned:	Most-Favoured-Nation Treatment (Investment and CBTS)
Level of Government:	Central
Measures:	Decree Law 3.059, Official Gazette, 22 December 1979, Merchant Fleet Promotion Law, Titles I and II (Decreto Ley 3.059, Diario Oficial, 22 de diciembre de 1979, Ley de Fomento a la Marina Mercante, Títulos I y II) Supreme Decree 237, Official Gazette, 25 July 2001, Act of Decree Law 3.059, Titles I and II (Decreto Supremo 237, Diario Oficial, julio 25, 2001, Reglamento del Decreto Ley 3.059, Títulos I y II) Code of Commerce, Book III, Titles I, IV and V (Código de Comercio, Libro III, Títulos I, IV y V)

Description:	Investment and Cross-Border Trade in Services
	Feeder services are reserved for national vessels when the cargo is moved between two Chilean ports.
	International maritime transport of cargo to or from Chile is subject to the principle of reciprocity.
	In the event that Chile should adopt, for reasons of reciprocity, a cargo reservation measure applicable to international cargo transportation between Chile and a third country, the reserved cargo shall be transported in vessels flying the Chilean flag or in vessels considered as Chilean vessels.

Sector:	Transportation
Sub-Sector:	Water transport services and shipping
Obligations Concerned:	National Treatment (Investment and CBTS)
	Most-Favoured-Nation Treatment (Investment and CBTS)
	Senior Management and Boards of Directors (Investment)
	Local Presence (CBTS)
Level of Government:	Central
Measures:	Decree Law 2.222, Official Gazette, 31 May 1978, Navigation Law, Titles I, II, III, IV and V (Decreto Ley 2.222, Diario Oficial, mayo 31, 1978, Ley de Navegación, Títulos I, II, III, IV y V)
	Code of Commerce, Book III, Titles I, IV and V (Código de Comercio, Libro III, Títulos I, IV y V)

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. In addition, more than 50 % 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. The president, manager and majority of the directors or administrators must be Chilean natural persons.

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 may be registered in Chile, if those persons 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.

"Special vessels" are those used in services, operations or for specific purposes, with special features for the functions they perform, such as tugboats, dredgers, scientific or recreational vessels, among others. For the purposes of this paragraph, a special vessel does not include a fishing vessel.

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

Sector:	Transportation
Sub-Sector:	Water transport services and shipping
Obligations Concerned:	National Treatment (CBTS)
	Most-Favoured-Nation Treatment (CBTS)
	Local Presence (CBTS)
Level of Government:	Central
Measures:	Decree Law 2.222, Official Gazette, 31 May 1978, Navigation Law, Titles I, II, III, IV and V (Decreto Ley 2.222, Diario Oficial, 31 mayo de 1978, Ley de Navegación, Títulos I, II, III, IV y V)
	Supreme Decree 153, Official Gazette, 11 March 1966, Approves the Sea People, Fluvial and Lacustrine Personnel Registration General Act (Decreto Supremo 153, Diario Oficial, 11 marzo de 1966, Aprueba el Reglamento General de Matrícula del Personal de Gente de Mar, Fluvial y Lacustre)
	Code of Commerce, Book III, Titles I, IV and V (Código de Comercio, Libro III, Títulos I, IV y V)

Description:	Cross-Border Trade in Services
	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 may be considered valid for the discharge of officers' duties on Chilean 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.

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 shall be required to be Chilean nationals. Foreigners with domicile in Chile shall also be authorised to perform those activities when so requested by ship operators (armadores) for being indispensable to initiate those activities.

In order to fly the Chilean flag, the ship captain (patrón de nave), officers and crew must be Chilean nationals. Nevertheless, if indispensable, 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) and on a temporary basis, may authorise the hiring of foreign personnel, with the exception of the captain, who must always be a Chilean national.

Only Chilean natural or juridical persons shall be authorised to act in Chile as multimodal operators.

Sector:	Transportation
Sub-Sector:	Water transport services and shipping
Obligations Concerned:	National Treatment (Investment and CBTS)
	Senior Management and Boards of Directors (Investment)
	Local Presence (CBTS)
Level of Government:	Central
Measures:	Code of Commerce, Book III, Titles I, IV and V (Código de Comercio, Libro III, Títulos I, IV y V)
	Decree Law 2.222, Official Gazette, 31 May 1978, Navigation Law, Titles I, II and IV (Decreto Ley 2.222, Diario Oficial, mayo 31, 1978, Ley de Navegación, Títulos I, II y IV)
	Decree 90 of the Ministry of Labour and Social Welfare, Official Gazette, 21 January 2000 (Decreto 90 del Ministerio de Trabajo y Previsión Social, Diario Oficial, enero 21, 2000)

Decree 49 of the Ministry of Labour and Social Welfare, 16 July 1999 (Decreto 49 del Ministerio de Trabajo y Previsión Social, Diario Oficial, julio 16, 1999)

Labour Code, Book I, Title II, Chapter III, paragraph 2 (Código del Trabajo, Libro I, Título II, Capítulo III, párrafo 2)

Description: Investment and Cross-Border Trade in Services

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. More than 50 % 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.

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.

Sector:	Transportation
Sub-Sector:	Land transportation
Obligations Concerned:	National Treatment (CBTS)
	Most-Favoured-Nation Treatment (CBTS)
	Local Presence (CBTS)
Level of Government:	Central
Measures:	Supreme Decree 212 of the Ministry of Transport and Telecommunications, Official Gazette, 21 November 1992 (Decreto Supremo 212 del Ministerio de Transportes y Telecomunicaciones, Diario Oficial, noviembre 21, 1992)
	Decree 163 of the Ministry of Transport and Telecommunications, Official Gazette, 4 January 1985 (Decreto 163 del Ministerio de Transportes y Telecomunicaciones, Diario Oficial, enero 4, 1985)
	Supreme Decree 257 of the Ministry of Foreign Affairs, Official Gazette, 17 October 1991 (Decreto Supremo 257 del Ministerio de Relaciones Exteriores, Diario Oficial, octubre 17, 1991)

Description:	Cross-Border Trade in Services
	Foreign natural and juridical persons qualified to supply international transportation services in the territory of Chile cannot supply local transportation services or participate in any manner whatsoever in those activities in the territory of Chile.
	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 supply 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 % of its corporate capital and effective control shall be held by nationals of Chile, Argentina, Bolivia, Brazil, Peru, Uruguay or Paraguay.

Sector:	Transportation
Sub-Sector:	Land transportation
Obligations Concerned:	Most-Favoured-Nation Treatment (CBTS)
Level of Government:	Central
Measures:	Law 18.290, Official Gazette, 7 February 1984, Title IV (Ley 18.290, Diario Oficial, febrero 7, 1984, Título IV) Supreme Decree 485 of the Ministry of Foreign Affairs, Official Gazette, 7 September 1960, Geneva Convention (Decreto Supremo 485 del Ministerio de Relaciones Exteriores, Diario Oficial, septiembre 7, 1960, Convención de Ginebra)
Description:	Cross-Border Trade in Services Motor vehicles bearing foreign licence plates that enter Chile on a temporary basis, pursuant to provisions set out in Convention on Road Traffic, done at Geneva on 19 September 1949 (Geneva Convention), shall circulate freely throughout the territory of Chile 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 territory of Chile. 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.