

**MULTILATERAL TRADE
NEGOTIATIONS
THE URUGUAY ROUND**

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COMMUNICATION FROM CHILE

Conditional Offer of Chile Concerning Initial Commitments
on Trade in Services

Revision

The following communication is circulated at the request of Chile to members of the Group of Negotiations on Services.

General considerations

1. This document concerns the offer by Chile in respect of initial commitments within the framework of the General Agreement on Trade in Services. The offer aims to make a substantial contribution to the negotiations to establish multilateral disciplines and liberalize trade and services, as a means of promoting development, particularly in developing countries.

The present offer is conditional on the final content of the General Agreement and its annexes, and on the extent to which the offers and exceptions to the most-favoured-nation clause of the other parties are comparable and acceptable for Chile. Similarly, Chile's offer is conditional on acceptance, by the other participants in these negotiations, of the requests made by Chile in respect of exports of services.

2. Chile reserves the right to maintain, modify or reduce the present offer at any time prior to the entry into force of the multilateral agreement, in accordance with the conditions laid down above. It also reserves the right to make any changes of a technical nature which it may deem appropriate.

DRAFT SCHEDULE OF INITIAL COMMITMENTS
ON TRADE IN SERVICES

1. This offer constitutes a listing and includes only those sectors mentioned in Section II of this document and, in general, is based on the sectoral classification set forth in document MTN.GNS/W/120 and the CPC.

It constitutes a revised version of document MTN.GNS/W/115/Rev.1 of 17 December 1991. This revision has been made in the light of the bilateral consultations that Chile has had since submitting its offer and represents a technical clarification of its scope and content.

2. In the event of injury caused by subsidies or unfair trading practices, the domestic rules on unfair competition and economic offences may be applied, in order to ensure that markets function properly.

3. This offer is subject to the relevant provisions of the Chilean Constitution of 1980 and its supplementary Constitutional Laws.

I. HORIZONTAL MEASURES: TERMS, CONDITIONS AND LIMITATIONS RELATING TO MARKET ACCESS AND NATIONAL TREATMENT

In general, market access and national treatment are subject to the following limitations, conditions and qualifications.

I.a.1 Cross-border supply and consumption abroad

Limitations or qualifications on market access and national treatment relating to services which could constitute inputs or be used to deliver services covered by the present offer will continue to be applied, whether or not commitments have been given in respect of the latter.

I.a.2 Commercial presence

The commitments in this offer extend only to suppliers of services who operate in Chile through a commercial presence, when they establish themselves as a foreign investment and comply with the rules and legal procedures on direct foreign investment in force. The commercial presence covered by this offer is that effected solely through the Foreign Investment Statute.

Authorization to deliver services through a commercial presence may take into account the following criteria:

- (a) The effect of commercial presence on economic activity, including the effect on employment, on the use of parts, components and services produced in Chile and on exports of services;
- (b) The effect of commercial presence on productivity, industrial efficiency, technological development and product innovation in Chile;

- (c) The effect of commercial presence on competition in the sector and other sectors, on consumer protection, on the smooth functioning, integrity and stability of the market, and on the national interest;
- (d) The contribution of commercial presence to Chile's integration into world markets.

Investors may transfer abroad both their capital and the net profits which it generates. The exercise of this right is not subject to any time-limit. However, the capital may not be repatriated within three-years of entry.

Real estate acquisitions in frontier zones must comply with the provisions of the relevant legislation.

As regards services that fall under the heading "Professional Services", at least 85 per cent of the staff employed by a supplier of services established in Chile must be Chilean, except in the case of enterprises with fewer than fifteen employees.

Limitations or qualifications on market access and national treatment relating to services which could constitute inputs or be used to deliver services covered by the present offer will continue to be applied, whether or not commitments have been given in respect of the latter.

With regard to the services covered by this offer, Chilean legislation provides for the following types of commercial presence for foreign investors: public limited companies, open or closed, private limited companies, and subsidiaries.

I.a.3 Presence of natural persons

The delivery of services through movement of suppliers is limited to transfers within a foreign enterprise established in Chile, in accordance with sub-section I.a.2, of senior and specialized personnel who have been in the employ of the organization for a period of at least two years immediately preceding the date of their application for admission, performing the same type of duties in the parent company of their country of origin. In any case, in accordance with sub-section I.a.2, foreign natural persons may not make up more than 15 per cent of the total staff employed in Chile.

The category of senior and specialized personnel does not include members of the board of directors of a company established in Chile.

For all legal purposes, senior and specialized personnel must establish domicile or residence in Chile.

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

- Direct the management of the organization for one of its departments or sub-divisions;
- Supervise and control the work of other supervisory, professional or managerial employees;
- Are personally authorized to hire and fire or recommend hiring and firing or other personnel actions.

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

- Possession of qualifications for a particular type of work or activity requiring specialized technical expertise;
- Proprietary knowledge of the organization's services, research equipment, techniques or management; and
- The non-availability of such specialized personnel in Chile.

Providers of services are admitted temporarily, for a period of two years which can be twice extended. Personnel admitted under these commitments will be subject to the provisions of the labour and social security legislation in force.

Limitations or qualifications on market access and national treatment relating to services which could constitute inputs or be used to deliver services covered by this offer will continue to be applied, whether or not commitments have been given in respect of the latter.

Definitions

In accordance with the GATT Secretariat's guidelines of 20 July 1993, the following definitions are used in this offer:

- (1) Bound: This means the binding of the entire system of conditions, limitations and reservations in force, that is to say certain restrictions are currently being applied, but it is not intended to make them any tighter in the future within the context of the GATS.
- (2) Not bound: This means that Chile has not given any commitment with respect to the mode or modes of supply of the service activity in question in relation to market access or national treatment.
- (3) Not bound*: "Unbound due to lack of technical feasibility". This means that the mode of supply of the service indicated is not feasible and, accordingly, there is no technically applicable commitment.
- (4) None: This means that, at present, no condition, limitation or reservation on market access or national treatment is applied or anticipated with respect to a particular mode of supply in a particular sector or sub-sector, but it does not mean that there are no laws or regulations governing the service activity in question. Moreover, in Section II the indication "none" means that no conditions, limitations and/or reservations are applied over and above those mentioned in Section I (Horizontal Measures). The indication "none" in the national treatment column means that no conditions and/or limitations are applied other than those indicated in the market access column, except for those stipulated in Section I (Horizontal Measures) and the specifications contained under each listed sector and forming an integral part of this offer.

II. SPECIFIC MEASURES IN THE SECTORS OFFERED

Listed below are the services sectors in respect of which Chile is making initial commitments and the specific measures affecting them which supplement the provisions of Section I.

1. Banking, securities and insurance services

The Chilean offer comprises the following initial commitments on financial services relating to banking, securities and insurance. The Chilean offer on services does not cover financial services not included in the present list.

Commercial presence

In addition to the horizontal measures mentioned in Section I, a supplier of financial services operating through a commercial presence may be subject to evidence of economic need. That is, he must obtain prior authorization to start up, suspend or terminate operations from the Banking and Financial Institutions Supervision Department, in the case of banking services, or from the Securities and Insurance Supervision Department, in the case of securities and insurance services.

Authorization to supply financial services through a commercial presence will be given insofar as the applicant undertakes to ensure the proper functioning, integrity and stability of the market, fulfils the requirements of the law and serves the national interest.

The Chilean financial services sector is partially compartmentalized, that is to say the institutions, domestic and foreign, authorized to operate as banks may not encroach on the insurance and securities business and vice-versa. However, subject to authorization from the Banking and Financial Institutions Supervision Department, domestic and foreign banks operating in Chile may set up subsidiaries, with their own capital, to supply other financial services, in accordance with the relevant legislation.

(a) Banking services

Foreign banking institutions must be companies legally constituted in their country of origin, must acquire legal personality in Chile and must put up the capital required by Chilean law. Banking institutions may only operate as: (i) public limited companies or (ii) subsidiaries.

Banks not established as Chilean companies (subsidiaries) pay a minimum income tax equivalent to 2.6 per cent of their total deposits. The average deposits are determined by the Banking and Financial Institutions Supervision Department on the basis of the information in the statements which the banks are required to submit.

BANKING SERVICES

Activity or Sub-Activity	Mode of Delivery	Market Access	National Treatment
Acceptance of deposits (81115-81119) ¹	(1) (2) (3) (4)	Not bound Not bound None None	Not bound Not bound None None
Purchase of publicly offered services (8132) ²	(1) (2) (3) (4)	Not bound Not bound None None	Not bound Not bound None None
Credit granting (81113) ³	(1) (2) (3) (4)	None ⁴ Not bound None None	None Not bound None None
Issue of credit cards	(1) (2) (3) (4)	None ⁵ Not bound None None	None Not bound None None
Operation of credit cards	(1) (2) (3) (4)	Not bound Not bound None None	Not bound Not bound None None
Provision and transfer of financial information and processing of financial data (8131)	(1) (2) (3) (4)	Not bound Not bound None None	Not bound Not bound None None

In Chile advisory and other auxiliary financial services (8131) are considered to be complementary to the services which the established banks can provide. Consequently, domestic and foreign banks must set up subsidiaries with their own capital in order to be able to provide these services and must have the appropriate authorization from the Banking and Financial Institutions Supervision Department.

¹Includes only current bank accounts, sight acceptances, term acceptances in savings accounts, financial instruments with repurchase undertaking, and deposits for issue of bank guarantee vouchers.

²Includes only purchase of bonds and purchase of letters of credit.

³Includes only current loans, discounting or acquisition of bills of exchange and promissory notes, loans in letters of credit, endorsable mortgage loans, purchase of financial instruments with resale undertaking, credit for issue of bank guarantee vouchers or other types of financing, endorsement and guarantee of third-party liabilities, issue and negotiation of letters of credit for import and export, issue and confirmation of standby letters of credit.

⁴Limited only to freely available credit, import and export financing, confirmation of letters of credit, and advances and overdrafts on current account. These services may only be provided to local banks with authorization from the Central Bank of Chile. Other services for grant of credit not bound.

⁵Limited to cards issued abroad that circulate in Chile under an agreement with a bank or operator established in Chile and in accordance with the provisions of the Central Bank of Chile. Subject to authorization by the relevant inspection authority.

Activity or Sub-Activity	Mode of Delivery	Market Access	National Treatment
Advisory and other auxiliary financial services ⁶ (8131)	(1)	Not bound	Not bound
	(2)	Not bound	Not bound
	(3)	None	None
	(4)	None	None

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

(b) Insurance and reinsurance services

The following provisions, which regulate insurance and reinsurance activities, are applied without discrimination, wherever appropriate, to domestic and foreign suppliers wishing to operate such services in Chile.

Insurance and reinsurance services can be provided only by limited insurance and reinsurance companies established in Chile for the exclusive purpose of developing this line of business. Limited insurance and reinsurance companies can be legally constituted only in accordance with the provisions of company law.

Contracts concluded in Chile may be reinsured by insurers and reinsurers with insurance and reinsurance companies authorized to operate in Chile.

The following are empowered to reinsure:

1. Insurers established in the country and those limited companies whose sole purpose is to operate reinsurance in one of the two groups indicated below, subject to inspection by the Securities and Insurance Supervision Department; and
2. Those foreign reinsurers who are enrolled in the Register of Foreign Reinsurers maintained by the Securities and Insurance Supervision Department.

In addition, insurers and reinsurers may also reinsure through intermediaries or brokers enrolled in the Register of Reinsurance Brokers maintained by the Supervision Department.

In Chile, the insurance business is divided into two groups: the first group comprises companies that insure goods and property against the risk of loss or damage, while the second comprises those that provide personal insurance or guarantee, within or at the end of a certain term, a capital sum, a paid-up policy or an income for the insured or his beneficiaries. Insurance companies may not be organized to cover both categories of risks.

⁶Refers specifically to administrative services connected with the operation of the banking services included in this offer.

Credit insurance companies, even though classified in the first group, must be established as limited companies with the sole purpose of covering this type of risk, i.e. loss of or damage to the property of the insured as a result of the non-payment of a money debt or loan, being also permitted to cover guaranty and fidelity risks.

The Chilean insurance offer does not include insurance related to the social security system.

Insurance may be taken out directly or through insurance brokers who, to engage in that activity, must be enrolled in the register maintained by the Supervision Department and must satisfy the prudential requirements of the law.

INSURANCE AND REINSURANCE SERVICES

Activity or Sub-Activity	Mode of Delivery	Market Access	National Treatment
Sale of direct life insurance (does not include insurance related to the social security system) (81211)	(1)	Not bound	Not bound
	(2)	Not bound	Not bound
	(3)	None	None
	(4)	None	None
Sale of direct general insurance (8129)	(1)	Not bound	Not bound
	(2)	Not bound	Not bound
	(3)	None	None
	(4)	None	None
Sale of direct general insurance credit insurance (81297)	(1)	Not bound	Not bound
	(2)	Not bound	Not bound
	(3)	None	None
	(4)	None	None
Policy reinsurance (81299)	(1)	None	None ⁷
	(2)	Not bound	Not bound
	(3)	None	None
	(4)	None	None

⁷Additional information for transparency purposes:

Foreign reinsurance companies must be enrolled in the Register of Foreign Reinsurers (Securities and Insurance Supervision Department) and fulfil the following requirements:

- show proof of assets of more than 300,000 "promotion units" (unidades de fomento);
- show proof of legal constitution in the country of origin and authorization to reinsure risks assigned from abroad, indicating the starting date for operations;
- show proof of conformity with the legislation of the country of origin for the payment of commitments under contracts signed abroad in freely convertible currency;
- attach an authentic copy of the statutes in force, in Spanish, the annual report, including financial reports audited by independent auditors, and a copy of the authority granted to a person resident in Chile to represent them, conferring broad authority, including being the object of a legal action.

Activity or Sub-Activity	Mode of Delivery	Market Access	National Treatment
Reinsurance brokers (Reinsurance intermediation) (8140)	(1)	None	None ⁸
	(2)	Not bound	Not bound
	(3)	None	None
	(4)	None	None
Insurance brokers (8140)	(1)	Not bound	Not bound
	(2)	Not bound	Not bound
	(3)	None	None ⁹
	(4)	None	None

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

(c) Securities services

The following provisions which regulate the supply of securities services are applied without discrimination, wherever appropriate, to both domestic and foreign suppliers.

Publicly offered securities may be traded by natural or legal persons engaged in brokering securities, either as members of a stock exchange (stockbrokers) or outside the exchange (securities agents). None the less, only stockbrokers may trade shares or derivatives (options) on the stock exchange. Other securities may be traded by stockbrokers or securities agents registered with the Securities and Insurance Supervision Department, or by banks and finance companies, in accordance with their legal powers.

The purpose of financial portfolio management is to diversify investments, on behalf of third parties, over a range of instruments.

The Chilean offer in the securities sector does not include asset fund management (mutual funds, investment funds, foreign capital investment funds, and pension funds).

⁸Additional information for transparency purposes:

Reinsurance brokers must be enrolled in the Register of Reinsurance Brokers (Securities and Insurance Supervision Department) and fulfil the following requirements:

- (a) Be a legal person, and show proof of legal constitution in the country of origin and of authorization to intermediate risks assigned from abroad, indicating the starting date of authorization for operations.
- (b) Show proof of conformity with the legislation of the country of origin allowing payments of commitments under reinsurance contracts subscribed abroad in freely convertible currency.
- (c) Attach an authentic copy of the statutes in force, in Spanish, the annual report, including a financial report audited by independent auditors, and a copy of an authorization granted to a person resident in Chile to represent them, conferring broad authority, including being the object of a legal action.
- (d) Show proof of having taken out an insurance policy covering full and proper compliance with all obligations relating to activity as a broker in Chile and in particular any injury by error or omission that might be incurred by anyone acting through them as intermediary. Prior approval by the Supervision Department will be necessary where the issuer of the policy is a firm not established in Chile.

⁹Additional information for transparency purposes:

- (a) Must be enrolled in the register maintained by the Securities and Insurance Supervision Department and fulfil the requirements laid down.
- (b) Only legal persons legally constituted in Chile for this specific purpose and whose offices and legal representatives are Chilean nationals or foreigners established in Chile.

Publicly offered securities risk rating services are provided by rating agencies enrolled in the Register of Risk Rating Agencies maintained by the Securities and Insurance Supervision Department. These must be constituted as an association of persons in accordance with the legislation and are inspected and controlled by the above-mentioned supervision department. On the other hand, the inspection of rating agencies with respect to the rating of securities issued by banks and finance companies is the responsibility of the Banks and Financial Institutions Supervision Department.

Securities custody consists in the physical safe-keeping of customers' stocks and shares and may be undertaken by securities intermediaries (complementary activity) or by individuals. The Chilean offer in the securities sector does not include the services offered by firms which simultaneously undertake the custody, clearance and settlement of securities (centralized securities depositories).

Financial advisory services involve giving financial advice on financing alternatives, investment appraisal, investment possibilities, debt rescheduling strategies, etc. Advice may be given by securities intermediaries, investment banks and other natural and legal persons.

SECURITIES SERVICES

Activity or Sub-Activity	Mode of Delivery	Market Access	National Treatment
Intermediation of publicly offered securities, except shares (81321) ¹⁰	(1)	Not bound	Not bound
	(2)	Not bound	Not bound
	(3)	None ¹¹	None
	(4)	None ¹²	None

¹⁰Does not include intermediation of shares.

¹¹Additional information for transparency purposes:

Legal persons wishing to trade in publicly offered securities (securities intermediaries) must be established as a company in Chile (of one of the types that exist in the country) and be enrolled in the Register of Stockbrokers and Securities Agents of the Securities and Insurance Supervision Department, for which purpose they must fulfil.

The following requirements: have an office equipped for carrying out the activity concerned, certify and maintain the minimum financial resources required by law (6,000 P.U. for acting for the account of third parties or 14,000 P.U. if they operate for their own account), lodge security (at least 4,000 P.U.), and other legal requirements.

Moreover, their directors and the general manager or legal representative must show proof of: being legally of age, completion of secondary education, and the satisfaction of other legal requirements, and if foreigners must also produce a certificate of residence issued by the appropriate authority.

These intermediaries must have as their sole purpose the buying and selling of securities, although they may also carry out complementary activities as authorized by the Supervision Department.

¹²Additional information for transparency purposes:

Foreign employees or managers connected with a commercial presence must produce a certificate of residence issued by the appropriate authority.

Activity or Sub-Activity	Mode of Delivery	Market Access	National Treatment
Intermediation of limited company shares (81321)	(1)	Not bound	Not bound
	(2)	Not bound	Not bound
	(3)	None ¹³	None
	(4)	None ¹⁴	None
Financial portfolio management (81323) ¹⁵	(1)	Not bound	Not bound
	(2)	Not bound	Not bound
	(3)	None ¹⁶	None
	(4)	None ¹⁷	None
Securities risk rating (81339) ¹⁸	(1)	Not bound	Not bound
	(2)	Not bound*	Not bound*
	(3)	None ¹⁹	None
	(4)	None ²⁰	None

¹³Additional information for transparency purposes:

Legal persons wishing to trade shares (stockbrokers) must establish themselves as a company in Chile (of one of the types existing in the country) and be enrolled in the Register of Stockbrokers and Securities Agents of the Securities and Insurance Supervision Department, for which purpose they must fulfil the following requirements: have an office equipped for carrying out the activity concerned, certify and maintain the minimum financial resources required by law (6,000 P.U. for acting for the account of third parties or 14,000 P.U. if they operate for their own account), lodge security (at least 4,000 P.U.), and other legal requirements. Moreover, their directors and the general manager or legal representative must show proof of: being legally of age, completion of secondary education, and the satisfaction of other legal requirements, and if foreigners must also produce a certificate of residence issued by the appropriate authority.

These intermediaries must have as their sole purpose the buying and selling of securities, although they may also carry out complementary activities as authorized by the Supervision Department. In addition, to be able to operate they must acquire a share in the stock exchange in which they perform their broking functions and, moreover, must be accepted as members of that exchange.

¹⁴Additional information for transparency purposes:

Foreign employees and managers connected with a commercial presence must produce a certificate of residence issued by the appropriate authority.

¹⁵Does not include asset fund management. Thus, the management of mutual funds, foreign capital investment funds, investment funds or pension funds is not considered in this offer.

¹⁶Additional information for transparency purposes:

Those who offer financial portfolio management services in their capacity as securities intermediaries must fulfil the requirements appropriate to their principal function (whether it be that of stockbroker or that of securities agent) as indicated under the corresponding heading. Otherwise, in the case of other legal persons, they may engage in such activity if they hold a broad mandate to operate for the account of third parties.

¹⁷Additional information for transparency purposes:

Foreign employees or managers connected with a commercial presence must produce a certificate of residence issued by the appropriate authority.

¹⁸Relates solely to rating or giving an opinion on publicly offered securities.

¹⁹Additional information for transparency purposes:

Risk rating agencies must have as their sole purpose the rating of publicly offered securities, although they may also carry out complementary activities as authorized by the Supervision Department.

Moreover, they must be established as an association of persons and be enrolled in the Register of Risk Rating Agencies of the Securities and Insurance Supervision Department. The specific requirements to be fulfilled include the following:

- Not less than 60 per cent of the company's capital must be held by the principal partners;
- The rating board must consist of professionals with a university degree or equivalent higher education and an unblemished business record, the majority of whom must have had at least three years' work experience in the economic and financial field.

²⁰Additional information for transparency purposes:

Foreign employees or managers connected with a commercial presence must produce a certificate of residence issued by the appropriate authority.

Activity or Sub-Activity	Mode of Delivery	Market Access	National Treatment
Securities custody (81319) ²¹	(1) (2) (3) (4)	Not bound Not bound None ²² None ²³	Not bound Not bound None None
Financial advisory services (81332)	(1) (2) (3) (4)	Not bound Not bound None ²⁴ None ²⁵	Not bound Not bound None None

- (1) Cross-border supply
(2) Mode of delivery
(3) Commercial presence
(4) Presence of natural persons

OTHER FINANCIAL SERVICES²⁶

Activity or Sub-Activity	Mode of Delivery	Market Access	National Treatment
Financial leasing (81112)	(1) (2) (3) (4)	Not bound Not bound None None	Not bound Not bound None None

²¹Refers only to securities custody.

Does not include the services offered by suppliers who combine custody with securities clearance and settlement (custodial accounts).

²²Additional information for transparency purposes:

Those who offer securities custody services in their capacity as securities intermediaries must fulfil the requirements appropriate to their principal function (whether it be that of stockbroker or that of securities agent) as indicated under the corresponding heading.

²³Additional information for transparency purposes:

Foreign employees or managers connected with a commercial presence must produce a certificate of residence issued by the appropriate authority.

²⁴Additional information for transparency purposes:

Those who offer financial advisory services in their capacity as securities intermediaries must fulfil the requirements appropriate to their principal function (whether it be that of stockbroker or that of securities agent) as indicated under the corresponding heading. Failing that, they must establish legal personality in order to engage in such activities.

²⁵Additional information for transparency purposes:

Foreign employees or managers connected with a commercial presence must produce a certificate of residence issued by the appropriate authority.

²⁶The mode of inclusion and recording of these services is subject to revision.

Only domestic and foreign banking enterprises established in Chile can provide financial leasing services. In order to supply financial leasing services they must establish subsidiaries with their own capital and request authorization from the Banking and Financial Institutions Supervision Department to operate the service. Only these subsidiaries can operate the services expressly authorized by the Banking and Financial Institutions Supervision Department. Financial leasing services are regarded as complementary banking services and, consequently, the Banking and Financial Institutions Supervision Department is empowered to extend or restrict the operation of the financial leasing services which these institutions may offer.

Activity or Sub-Activity	Mode of Delivery	Market Access	National Treatment
Leasing or rental services concerning private cars (without operator) (83101)	(1)	Not bound	Not bound
	(2)	Not bound	Not bound
	(3)	None	None
	(4)	None	None
Leasing or rental services concerning aircraft (without operator) (83104)	(1)	Not bound	Not bound
	(2)	Not bound	Not bound
	(3)	None	None
	(4)	None	None
Leasing or rental services concerning agricultural machinery and equipment (without operator) (83106)	(1)	Not bound	Not bound
	(2)	Not bound	Not bound
	(3)	None	None
	(4)	None	None
Leasing or rental services concerning construction machinery and equipment (without operator) (83107)	(1)	Not bound	Not bound
	(2)	Not bound	Not bound
	(3)	None	None
	(4)	None	None

Leasing services can only be supplied by legal persons established in Chile as open limited companies subject to the supervision of the appropriate authorities.

Activity or Sub-Activity	Mode of Delivery	Market Access	National Treatment
Warrants	(1)	Not bound*	Not bound*
	(2)	Not bound*	Not bound*
	(3)	None	None
	(4)	None	None

- (1) Cross-border supply
- (2) Mode of delivery
- (3) Commercial presence
- (4) Presence of natural persons

These services can only be provided by natural or legal persons, Chilean or foreign, legally established in Chile who have the provision of warrants services as their sole business. Corresponds to merchandise warehousing services accompanied by the issue of a certificate of deposit and a receipt.

2. Telecommunications services

In the case of private services whose purpose is to meet the specific telecommunications needs of particular enterprises, entities or persons by prior agreement, the supply of these services does not give access to traffic from or to the users of the public telecommunications networks.

Inspection and control

The Ministry of Transport and Telecommunications, through the Sub-Department of Telecommunications, is the competent authority responsible for the application and supervision of the law and its regulations. It also has sole responsibility for the technical interpretation of the legal and regulatory provisions governing telecommunications.

The provision of telecommunications services requires the granting of a concession or licence for extended operation by the Sub-Department of Telecommunications. Concessions and licences are granted in accordance with the procedures established by law and the corresponding regulations and technical standards.

Basic local and international telecommunications services

Chile considers the work that has been done in the services area to be important and takes a positive view of the results.

In connection with the proposals for a special negotiating framework for basic services in the telecommunications field once the Uruguay Round has been concluded, Chile associates itself with the consensus, considering the importance of the topic and to the extent that this constitutes a means of achieving the complete liberalization of the telecommunications sector.

Chile wishes to confirm its desire to contribute to the opening up of the telecommunications sector. This desire was reflected in the substantial contribution contained in its conditional offer on initial commitments submitted in December 1991. Therefore, in the event of an agreement which extends the negotiations beyond the Round it is intended to carry over the basic telecommunications offer included to those negotiations.

However, Chile understands that a proposal of this nature implies a reconsideration of the results of the basic telecommunications access negotiations that have been held with various countries.

Chile is interested in participating actively in a multilateral process leading to the effective liberalization of this sector.

TELECOMMUNICATIONS SERVICES

Activity or Sub-Activity	Mode of Delivery	Market access	National treatment
Value-added services			
3.1 On line information retrieval	(1)	None	None
3.2 Electronic mail		Subject to a	
3.3 Facsimile		correspondence convention	
3.4 Data processing		with an international	
	(2)	services concessionaire	Not bound*
	(3)	Not bound*	None
		None	
		Subject to obtaining a	
		permit. Contract with	
		public service	
		concessionaire.	
		Complementary service	
		authorization from the Sub-	
		department of	
	(4)	Telecommunications.	None
		None	
Leased private circuits			
4.1 Telephone service	(1)	Not bound*	Not bound*
4.2 Data transmission	(2)	Not bound*	Not bound*
4.3 Electronic mail	(3)	None	None
		Subject to the granting of	
		limited service	
	(4)	None	None

- (1) Cross-border supply
(2) Mode of delivery
(3) Commercial presence
(4) Presence of natural persons

TRANSPORT SERVICES

Activity or Sub-Activity	Mode of Delivery	Market Access	National Treatment
AUXILIARY AIR TRANSPORT SERVICES			
1. Opening of offices	(1)	Not bound*	Not bound*
	(2)	Not bound*	Not bound*
	(3)	None	None
	(4)	Compliance with civil aviation legislation None	None
2. Issue and sale of air-transport fares and tickets	(1)	Not bound*	Not bound*
	(2)	Not bound*	Not bound*
	(3)	None	None
	(4)	Compliance with civil aviation legislation None	None
3. Computer reservation systems	(1)	None	None
	(2)	Not bound*	Not bound*
	(3)	None	None
	(4)	Compliance with civil aviation legislation None	None
4. Ground operation of support equipment	(1)	Not bound*	Not bound*
	(2)	Not bound*	Not bound*
	(3)	None	None
	(4)	Compliance with civil aviation legislation None	None
5. Aircraft maintenance	(1)	Not bound	Not bound
	(2)	Not bound	Not bound
	(3)	None	None
	(4)	Compliance with civil aviation legislation None	None

- (1) Cross-border supply
- (2) Mode of delivery
- (3) Commercial presence
- (4) Presence of natural persons

TOURISM SERVICES

Activity or Sub-Activity	Mode of Delivery	Market Access	National Treatment
HOTEL AND SIMILAR SERVICES			
Lodging in hotels (64110)	(1)	No bound*	Not bound*
	(2)	None	None
	(3)	None	None
	(4)	None	None
Lodging in motels (64120)	(1)	Not bound*	Not bound*
	(2)	None	None
	(3)	None	None
	(4)	None	None
Apartment - hotels (64193)	(1)	Not bound*	Not bound*
	(2)	None	None
	(3)	None	None
	(4)	None	None
Camping services (64195)	(1)	Not bound*	Not bound*
	(2)	None	None
	(3)	None	None
	(4)	None	None
Full restaurant services (64210)	(1)	Not bound*	Not bound*
	(2)	None	None
	(3)	None	None
	(4)	None	None
Self-service facilities (64220)	(1)	Not bound*	Not bound*
	(2)	None	None
	(3)	None	None
	(4)	None	None
Caterer services (64230)	(1)	Not bound*	Not bound*
	(2)	None	None
	(3)	None	None
	(4)	None	None
Bars without entertainment (64310)	(1)	Not bound*	Not bound*
	(2)	None	None
	(3)	None	None
	(4)	None	None
Bars with entertainment (64320)	(1)	Not bound*	Not bound*
	(2)	None	None
	(3)	None	None
	(4)	None	None

Activity or Sub-Activity	Mode of Delivery	Market Access	National Treatment
TRAVEL AGENCIES ORGANIZING EXCURSIONS AND TOURIST GUIDE SERVICES (74710-74720) ²⁷			
Travel agencies and tour operators (74710)	(1) (2) (3) (4)	Not bound* None None None	Not bound* None None None
Tourist guide services (74720) ²⁷	(1) (2) (3) (4)	Not bound* None None None	Not bound* None None None

- (1) Cross-border supply
- (2) Mode of delivery
- (3) Commercial presence
- (4) Presence of natural persons

Professional services

Additional information for transparency purposes:

Without prejudice to what is stated in Section I (Horizontal Measures), the providers of professional services included in the present offer may be subject to assessment by the competent authorities in connection with which they must show that they fulfil the requirements designed to ensure that they perform competently in the sector.

²⁷These services are being reviewed to determine their inclusion and mode of recording in the present offer.

PROFESSIONAL SERVICES

Activity or Sub-Activity	Mode of Delivery	Market Access	National Treatment
ACCOUNTING AND AUDITING²⁸			
Financial auditing (86211)	(1)	Not bound	Not bound
	(2)	Not bound	Not bound
	(3)	None	None
	(4)	None	None
Accounting review (86212)	(1)	Not bound	Not bound
	(2)	Not bound	Not bound
	(3)	None	None
	(4)	None	None
ENGINEERING SERVICES			
Engineering design services for industrial processes and production (86725)	(1)	Not bound	Not bound
	(2)	Not bound	Not bound
	(3)	None	None
	(4)	None	None
Engineering design services relating to sanitary works (86726)	(1)	Not bound	Not bound
	(2)	Not bound	Not bound
	(3)	None	None
	(4)	None	None
Mechanical engineering design services (86726)	(1)	Not bound	Not bound
	(2)	Not bound	Not bound
	(3)	None	None
	(4)	None	None
Electrical engineering design services (86726)	(1)	Not bound	Not bound
	(2)	Not bound	Not bound
	(3)	None	None
	(4)	None	None
Chemical and process engineering design services (86726)	(1)	Not bound	Not bound
	(2)	Not bound	Not bound
	(3)	None	None
	(4)	None	None
Environmental engineering design services (86726)	(1)	Not bound	Not bound
	(2)	Not bound	Not bound
	(3)	None	None
	(4)	None	None

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

²⁸ Additional information for transparency purposes: financial statements must be endorsed by a professional legally authorized to practice in Chile.

ENGINEERING SERVICES RELATING TO SCIENTIFIC AND TECHNICAL ADVICE

Activity or Sub-Activity	Mode of Delivery	Market Access	National Treatment
ARCHITECTURAL SERVICES			
Advisory and pre-design architectural services (86711)	(1)	Not bound	Not bound
	(2)	Not bound	Not bound
	(3)	None	None
	(4)	None	None
Architectural design (86712)	(1)	Not bound	Not bound
	(2)	Not bound	Not bound
	(3)	None	None
	(4)	None	None
INTERNATIONAL LEGAL SERVICES²⁹			
Advice on matters of public international law and international commercial law (86190)	(1)	Not bound	Not bound
	(2)	Not bound	Not bound
	(3)	None	None
	(4)	None	None

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

²⁹Refers solely and exclusively to matters relating to public international law. If the implementation of the advice involves appearing before a Chilean court of justice or administrative body, then the appearance must be made by a lawyer authorized to practice in Chile who fulfils the requirement of being a Chilean national. The same requirement must be fulfilled whenever there is a need for a written instrument or formal procedure to be executed by a professional recognized in Chile. The provision of the advice does not confer the right to use the title of Attorney and therefore does not include representation services in contentious or non-contentious matters.

NEW MANAGEMENT CONSULTING SERVICES

Activity or Sub-Activity	Mode of Delivery	Market Access	National Treatment
General management consulting services (86501)	(1)	Not bound	Not bound
	(2)	Not bound	Not bound
	(3)	None	None
	(4)	None	None
Financial management consulting services (86502)	(1)	Not bound	Not bound
	(2)	Not bound	Not bound
	(3)	None	None
	(4)	None	None
Marketing management consulting services (86503)	(1)	Not bound	Not bound
	(2)	Not bound	Not bound
	(3)	None	None
	(4)	None	None
Production management consulting services (86505)	(1)	Not bound	Not bound
	(2)	Not bound	Not bound
	(3)	None	None
	(4)	None	None
Human resources management consulting services (86505)	(1)	Not bound	Not bound
	(2)	Not bound	Not bound
	(3)	None	None
	(4)	None	None

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