

## ANNEX III

### Headnote

1. Where appropriate, non-conforming measures are referenced to the Provisional Central Product Classification (CPC) as set out in Statistical Office of the United Nations Statistical Papers, Series M, No. 77, Provisional Central Product Classification, 1991 (UN CPC code) and on the basis of the Services Sectoral Classification List WTO document MTN.GNS/W/120.

2. The Schedule of a Party sets out, pursuant to Article 12.8(1) (*Non-Conforming Measures*), a Party's existing measures that are not subject to some or all of the obligations imposed by:

- (a) Article 12.4 (*National Treatment*);
- (b) Article 12.5 (*Most-Favoured-Nation Treatment*);
- (c) Article 12.6 (*Market Access*); or
- (d) Article 12.7 (*Local Presence*).

For greater certainty, Article 12.6 refers to non-discriminatory measures.

3. Local Presence and National Treatment are separate disciplines and a measure that is only inconsistent with Local Presence need not be reserved against National Treatment.

4. Each entry in a Party's Schedule sets out the following elements:

- (a) **Sector** refers to the sector in which the entry is made;
- (b) **Industry Classification** refers, for the purpose of clarity, and where applicable, to the activity covered by the entry according to the CPC code;
- (c) **Obligations Concerned** specifies the obligation(s) referred to in Paragraph 2;
- (d) **Measures** identify laws, regulations, procedures, requirements or practices for which the entry is made. A measure cited in the Measures element:
  - (i) means the measure as amended, continued, or renewed as of the date of entry into force of this Agreement;

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

(e) **Description** sets out the non-conforming measure to which the entry applies.

5. Where the title “cross-border services” is used in the description element, the entry shall be read to apply to the cross border mode, the consumption abroad mode, and the presence of natural persons mode for supply of services.

6. Where the title “investment” is used in the description element, the entry shall be read to apply only to the commercial presence mode for supply of services.

7. Any aspects of such an entry which relate to investment in goods only, are retained solely for transparency purposes.

8. In accordance with Article 12.8(1)(a) (*Non-Conforming Measures*), the articles of this Agreement specified in the **Obligations Concerned** element of an entry do not apply to the laws, regulations, procedures, requirements or practices identified, in the case of Chile, in the **Measures** element of that entry, and in the case of New Zealand and Singapore, in the **Description** element of that entry.

9. For Chile, the Measures element represents the binding element for the purposes of interpretation of the entry.

10. For New Zealand and Singapore, all elements of the entry shall be considered in their totality for the purposes of its interpretation.

## Schedule of Chile

<b>Sector</b>	All Sectors
<b>Classification</b>	
<b>Obligations Concerned Measures</b>	<p>National Treatment (Article 12.4)</p> <p><i>Decreto Ley 1939</i>, Diario Oficial, noviembre 10, 1977, <i>Normas sobre adquisición, administración y disposición de bienes del Estado</i>, Título I</p> <p><i>Decreto con Fuerza de Ley 4 del Ministerio de Relaciones Exteriores</i>, Diario Oficial, noviembre 10, 1967</p>
<b>Description</b>	<p><u>Investment</u></p> <p>Chile may only dispose of the ownership or other related rights over “State land” to Chilean natural or juridical persons, unless the applicable legal exceptions, such as in <i>Decreto Ley 1939</i>, 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 5 kilometres from the coastline.</p> <p>Corporeal immovable property situated in areas declared “the borderland zone” by virtue of <i>Decreto con Fuerza de Ley 4, 1967, of the Ministerio de Relaciones Exteriores</i> may not be acquired, either as property or in any other title, by (1) natural persons with nationality in a neighbouring country; (2) juridical persons with their principal seat in a neighbouring country; (3) juridical persons with 40 percent or more of capital owned by natural persons with nationality in 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 <i>Decreto Supremo</i> of the President of the Republic based on considerations of national interest.</p>

<b>Sector</b>	All Sectors
<b>Classification</b>	
<b>Obligations Concerned</b>	National Treatment (Article 12.4) Local Presence (Article 12.7)
<b>Measures</b>	<i>Decreto con Fuerza de Ley 1 del Ministerio del Trabajo y Previsión Social, Diario Oficial, enero 24, 1994, Código del Trabajo, Título Preliminar, Libro I, Capítulo III</i>
<b>Description</b>	<p><u>Cross-Border Services</u></p> <p>A minimum of 85 percent of employees who work for the same Chilean employer shall be Chilean natural persons. This rule applies to employers with more than 25 employees under a contract of employment (<i>contrato de trabajo</i>). Specialised technical personnel who cannot be replaced by national personnel shall not be subject to this provision, as determined by the <i>Dirección del Trabajo</i>.</p> <p>An employee shall be understood to mean any natural person who renders intellectual or material services, under dependency or subordination, pursuant to a contract of employment.</p> <p>Article 20 of the <i>Código del Trabajo</i> shall be understood to mean that the personnel that an investor of Brunei Darussalam, New Zealand or Singapore that has made an investment requires for starting up in Chile will be treated, for a period of 18 months from the date of start up, as specialised technical personnel that cannot be replaced by national personnel.</p> <p>For greater certainty, a <i>contrato de trabajo</i> is not mandatory for the supply of cross-border trade in services.</p>

<b>Sector</b>	Communications
<b>Classification</b>	
<b>Obligations Concerned</b>	National Treatment (Article 12.4) Most-Favoured-Nation Treatment (Article 12.5) Local Presence (Article 12.7)
<b>Measures</b>	<p><i>Ley 18838</i>, Diario Oficial, septiembre 30, 1989, <i>Consejo Nacional de Televisión</i>, Títulos I, II, y III</p> <p><i>Ley 18168</i>, Diario Oficial, octubre 2, 1982, <i>Ley General de Telecomunicaciones</i>, Títulos I, II, y III</p> <p><i>Ley 19733</i>, Diario Oficial, junio 4, 2001, <i>Ley sobre las Libertades de Opinión e Información y Ejercicio del Periodismo</i>, Títulos I y III</p>
<b>Description</b>	<p><u>Investment and Cross-Border Services</u></p> <p>The owner of a social communication medium such as sound and image transmissions or a national news agency (national news agency means a news agency duly constituted in Chile), 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 authorized to operate within the national territory. Only Chilean nationals may be president, administrators, or legal representatives of the juridical person. In the case of public radio broadcasting services, the majority of the members of the Board of Directors must be Chilean nationals. The legally responsible director and the person who replaces him or her must be Chilean with domicile and residence in Chile.</p> <p>Requests for public radio broadcasting concessions, submitted by a juridical person in which foreigners hold an interest exceeding 10 percent of the capital, shall be granted only if proof is previously provided verifying that similar rights and obligations as those that an applicant will enjoy in Chile are granted to Chilean nationals in the applicant's country of origin.</p>

The *Consejo Nacional de Televisión* may establish, as a general requirement, that programs broadcast through public (open) television channels include up to 40 percent of Chilean production.

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

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

<b>Sector</b>	Energy
<b>Classification</b>	CPC 12      Crude petroleum and natural gas CPC 13      Uranium and Thorium minerals CPC 14      Metallic minerals CPC 16      Other minerals
<b>Obligations Concerned</b>	National Treatment (Article 12.4)
<b>Measures</b>	<p><i>Constitución Política de la República de Chile</i>, Capítulo III</p> <p><i>Ley 18097</i>, Diario Oficial, enero 21, 1982, <i>Ley Orgánica Constitucional sobre Concesiones Mineras</i>, Títulos I, II, y III</p> <p><i>Ley 18248</i>, Diario Oficial, octubre 14, 1983, <i>Código de Minería</i> , Títulos I y II</p> <p><i>Ley 16319</i>, Diario Oficial, octubre 23, 1965, <i>crea la Comisión Chilena de Energía Nuclear</i>, Títulos I, II, y III</p>
<b>Description</b>	<p><u>Investment</u></p> <p>The exploration, exploitation, and treatment (<i>beneficio</i>) of liquid or gaseous hydrocarbons, deposits of any kind existing in sea waters subject to national jurisdiction, and deposits of any kind wholly or partially located in areas classified as important to national security with mining effects, which qualification shall be made by law only, can be the object of administrative concessions or special operating contracts, subject to the requirements and the conditions to be determined, in each case by a supreme decree of the President of the Republic. For greater certainty, it is understood that the term <i>beneficio</i> shall not include the storage, transportation, or refining of the energy material referred to in this paragraph.</p> <p>The production of nuclear energy for peaceful purposes may only be carried out by the <i>Comisión Chilena de Energía Nuclear</i> or, with its authorisation, jointly with third persons. Should the <i>Comisión</i> grant such an authorisation, it may determine the terms and conditions thereof.</p>

<b>Sector</b>	Mining
<b>Classification</b>	CPC 13 Uranium and Thorium minerals CPC 14 Metallic minerals CPC 16 Other minerals
<b>Obligations Concerned</b>	National Treatment (Article 12.4)
<b>Measures</b>	<i>Constitución Política de la República de Chile</i> , Capítulo III  <i>Ley 18097</i> , Diario Oficial, enero 12, 1982, <i>Ley Orgánica Constitucional sobre Concesiones Mineras</i> , Títulos I, II, y III  <i>Ley 18248</i> , Diario Oficial, octubre 14, 1983, <i>Código de Minería</i> , Títulos I y III  <i>Ley 16319</i> , Diario Oficial, octubre 23, 1965, <i>crea la Comisión Chilena de Energía Nuclear</i> , Títulos I, II, y III
<b>Description</b>	<u>Investment</u>  The exploration, exploitation, and treatment ( <i>beneficio</i> ) of lithium, deposits of any kind existing in sea waters subject to national jurisdiction, and deposits of any kind wholly or partially located in areas classified as important to national security with mining effects, which qualification shall be made by law only, can be the object of administrative concessions or special operating contracts, subject to the requirements and the conditions to be determined, in each case by a supreme decree of the President of the Republic.  For greater transparency, Chile has the right of first refusal, at the normal market prices and terms, for the purchase of mineral products from mining operations in the country when thorium or uranium are contained in significant amounts therein.  For greater certainty, Chile may demand that producers separate from mining products the portion of: <ol style="list-style-type: none"> <li>(1) liquid or gaseous hydrocarbons;</li> <li>(2) lithium;</li> <li>(3) deposits of any kind existing in sea waters subject to national jurisdiction; and</li> <li>(4) deposits of any kind wholly or partially located in</li> </ol>

areas classified as important to national security with mining effects, which qualification shall be made by law only;

that exists, in significant amounts, in such mining products and that can be economically and technically separated, for delivery to or for sale on behalf of the State. For these purposes, economically and technically separated means that the costs incurred to recover the four types of substances referred to above through a sound technical procedure, and to commercialise and deliver the same shall be lower than its commercial value.

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

<b>Sector</b>	Fisheries Aquaculture
<b>Classification</b>	CPC 04 Fish and other fishing products
<b>Obligations Concerned</b>	National Treatment (Article 12.4)
<b>Measures</b>	<i>Ley 18892</i> , Diario Oficial enero 21, 1992, <i>Ley General de Pesca y Acuicultura</i> , Títulos I y VI
<b>Description</b>	<p><u>Investment</u></p> <p>A concession or authorisation is required for the use of beaches, land adjacent to beaches (<i>terrenos de playas</i>), water-columns (<i>porciones de agua</i>), and sea-bed lots (<i>fondos marinos</i>) to engage in aquaculture activities.</p> <p>Only Chilean natural or juridical persons constituted in accordance with Chilean law and foreigners with permanent residency may hold an authorisation or concession to carry out aquaculture activities.</p>

<b>Sector</b>	Fisheries
<b>Classification</b>	CPC 04 Fish and other fishing products
<b>Obligations Concerned</b>	National Treatment (Article 12.4) Most-Favoured-Nation Treatment (Article 12.5) Local Presence (Article 12.7)
<b>Measures</b>	<i>Ley 18892</i> , Diario Oficial, enero 21, 1992, <i>Ley General de Pesca y Acuicultura</i> , Títulos I, III, IV, y IX  <i>Decreto Ley 2.222</i> , Diario Oficial, mayo 31, 1978, <i>Ley de Navegación</i> , Títulos I y II
<b>Description</b>	<u>Investment and Cross-Border Services</u>  A permit issued by the <i>Subsecretaría de Pesca</i> is required in order to harvest and catch hydrobiological species in interior waters, in the territorial sea, and in Chile's Exclusive Economic Zone.  Only Chilean natural persons or juridical persons constituted in accordance with Chilean law and foreigners with permanent residency may hold permits to harvest and catch hydrobiological species.  Only Chilean vessels are permitted to fish in interior waters, in the territorial sea, and in Chile's Exclusive Economic Zone. Chilean vessels are those defined in the <i>Ley de Navegación</i> . 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. A 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 percent of its equity capital must be held by Chilean natural or juridical persons. For these purposes, a juridical person with ownership participation in another juridical person that owns a vessel has to comply with all the requirements mentioned above.

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

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

In cases of reciprocity granted to Chilean vessels by other States, fishing vessels specifically authorized 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 State.

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

<b>Sector</b>	Sports, Industrial Fishing and Hunting, and Recreational Services
<b>Classification</b>	CPC 881 Services incidental to agriculture, hunting and forestry CPC 882 Services incidental to fishing CPC 96499 Other recreational services n.e.c.
<b>Obligations Concerned</b>	Local Presence (Article 12.7)
<b>Measure</b>	<i>Ley 17798</i> , Diario Oficial, octubre 21, 1972, Título I  <i>Decreto Supremo 77 del Ministerio de Defensa</i> , Diario Oficial, agosto 14, 1982
<b>Description</b>	<u>Cross-Border Services</u>  Any person who owns guns, explosives, or similar substances must register with the appropriate authority in its domicile, for which purpose a request shall be submitted to the <i>Dirección General de Movilización Nacional del Ministerio de Defensa</i> .  Any natural or juridical person registered as an importer of fireworks may request authorization for importation and entrance thereof into Chile from Group No. 3 of the <i>Dirección General de Movilización Nacional</i> and may keep stocks of said elements for sale to persons holding authorisation to stage pyrotechnical shows.  The Supervisory Authority ( <i>Autoridad Fiscalizadora</i> ) shall only authorise pyrotechnical shows if a report is available with regard to the installation, development, and security measures for the show, which must be signed and approved by a fireworks programmer registered in the national registries of the <i>Dirección General de Movilización Nacional</i> or by a professional certified by said <i>Dirección General</i> .  For the production and execution of pyrotechnical shows, the presence of at least a fireworks expert handler registered with the <i>Dirección General</i> shall be required.

<b>Sector</b>	Specialised Services Customs Agents ( <i>Agentes de Aduana</i> ) and Brokers ( <i>Despachadores de Aduana</i> )
<b>Classification</b>	CPC 748 Freight transport agency services CPC 749 Other supporting and auxiliary transport services
<b>Obligations Concerned</b>	National Treatment (Article 12.4) Local Presence (Article 12.7)
<b>Measures</b>	<i>Decreto con Fuerza de Ley 30 del Ministerio de Hacienda,</i> Diario Oficial, abril 13, 1983, Libro IV
<b>Description</b>	<u>Cross-Border Services</u>  Only Chilean natural persons may act as customs brokers ( <i>Despachadores de Aduana</i> ) or agents ( <i>Agentes de</i> <i>Aduana</i> ).

<b>Sector</b>	Specialised Services Private Armed Security Guards
<b>Classification</b>	CPC 873 Investigation and security services
<b>Obligations Concerned</b>	National Treatment (Article 12.4)
<b>Measures</b>	<i>Decreto 1.773 del Ministerio del Interior</i> , Diario Oficial, noviembre 14, 1994
<b>Description</b>	<u>Cross-Border Services</u>  Only Chilean nationals may provide services as private armed security guards.

<b>Sector</b>	Business Services Research Services
<b>Classification</b>	CPC 851 Research and experimental development services on natural sciences and engineering CPC 853 Interdisciplinary research and experimental development services CPC 882 Services incidental to fishing
<b>Obligations Concerned</b>	National Treatment (Article 12.4)
<b>Measures</b>	<i>Decreto Supremo 711 del Ministerio de Defensa</i> , Diario Oficial, octubre 15, 1975
<b>Description</b>	<u>Cross-Border Services</u>  Foreign natural and juridical persons intending to conduct research in the Chilean 200-mile maritime zone shall be required to submit a request six months in advance to the <i>Instituto Hidrográfico de la Armada de Chile</i> and shall comply with the requirements established in the corresponding regulation. To that end they must submit a request at least six months in advance of the date on which they intend to begin the research.

<b>Sector</b>	Business Services; Research Services
<b>Classification</b>	<p>CPC 851 Research and experimental development services on natural sciences and engineering</p> <p>CPC 853 Interdisciplinary research and experimental development services</p> <p>CPC 8675 Engineering related scientific and technical consulting services</p>
<b>Obligations Concerned</b>	National Treatment (Article 12.4)
<b>Measures</b>	<p><i>Decreto con Fuerza de Ley 11 del Ministerio de Economía</i>, Diario Oficial, diciembre 5, 1968</p> <p><i>Decreto 559 del Ministerio de Relaciones Exteriores</i>, Diario Oficial, enero 24, 1968</p> <p><i>Decreto con Fuerza de Ley 83 del Ministerio de Relaciones Exteriores</i>, Diario Oficial, marzo 27, 1979</p>
<b>Description</b>	<p><u>Cross-Border Services</u></p> <p>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 authorization through a Chilean Consul in the country of domicile of the natural person. The Chilean Consul shall then send such request directly to the <i>Dirección de Fronteras y Límites del Estado</i>. The <i>Dirección</i> may order that one or more Chilean natural persons working in the appropriate related activities shall join the expedition in order to become acquainted with the studies to be undertaken.</p> <p>The <i>Departamento de Operaciones de la Dirección de Fronteras y Límites del Estado</i> shall decide and announce whether it authorizes or rejects geographic or scientific explorations to be carried out by foreign juridical or natural persons in Chile. The <i>Dirección de Fronteras y Límites del Estado</i> shall authorise and will supervise all explorations involving work of a scientific or technical nature, or related to mountain climbing, that foreign juridical persons or natural persons residing abroad intend to carry out in areas adjacent to Chilean borders.</p>

<b>Sector</b>	Business Services Research in Social Sciences
<b>Classification</b>	CPC 86751 Geological, geophysical and other scientific prospecting services
<b>Obligations Concerned</b>	National Treatment (Article 12.4)
<b>Measures</b>	<i>Ley 17288</i> , Diario Oficial, febrero 4, 1970, Título V  <i>Decreto Supremo 484 del Ministerio de Educación</i> , Diario Oficial, abril 2, 1991
<b>Description</b>	<u>Cross-Border Services</u>  Foreign juridical or foreign natural persons intending to perform excavations, surveys, probing, and/or collect anthropological, archeological, or paleontological material must apply for a permit from the <i>Consejo de Monumentos Nacionales</i> . In order to obtain the permit, the person in charge of the research must be engaged by a reliable foreign scientific institution and must be working in collaboration with a Chilean state-owned scientific institution or a Chilean university.  The aforementioned 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 acknowledged by the <i>Consejo de Monumentos Nacionales</i> , professional archaeologists, anthropologists, or palaeontologists, as appropriate, and the members of the <i>Sociedad Chilena de Arqueología</i> shall be authorized to perform salvage-related works. Salvage involves the urgent recovery of data or archaeological, anthropological, or palaeontological artifacts or species threatened by imminent loss.

<b>Sector</b>	Printing, Publishing, and Other Related Industries
<b>Classification</b>	CPC 88442 Publishing and printing, on a fee or contract basis
<b>Obligations Concerned</b>	National Treatment (Article 12.4) Most-Favoured-Nation Treatment (Article 12.5) Local Presence (Article 12.7)
<b>Measures</b>	<i>Ley 19733, Diario Oficial junio 4, 2001, Ley sobre las Libertades de Opinión e Información y Ejercicio del Periodismo, Títulos I y III</i>
<b>Description</b>	<u>Investment and Cross-Border Services</u>  The owner of a social communication medium such as newspapers, magazines, or regularly published texts whose publishing address is located in Chile, or a national news agency, shall in the case of a natural person have a duly established domicile in Chile and, in the case of a juridical person, shall be constituted with domicile in Chile or have an agency authorized to operate within the national territory. Only Chilean nationals may be president, administrators, or legal representatives of the juridical person. The director legally responsible and the person who replaces him or her must be Chilean with domicile and residence in Chile.

<b>Sector</b>	Professional, Technical, and Specialised Services Professional Services
<b>Classification</b>	CPC 86211 Financial auditing services
<b>Obligations Concerned</b>	National Treatment (Article 12.4) Local Presence (Article 12.7)
<b>Measures</b>	<p><i>Ley 18.046</i>, Diario Oficial, octubre 22, 1981, <i>Ley de Sociedades Anónimas</i>, Título V</p> <p><i>Decreto Supremo 587 del Ministerio de Hacienda</i>, Diario Oficial, noviembre 13, 1982, <i>Reglamento de Sociedades Anónimas</i></p> <p><i>Decreto Ley 1.097</i>, Diario Oficial, julio 25, 1975, Títulos I, II, III, y IV</p> <p><i>Decreto Ley 3.538</i>, Diario Oficial, diciembre 23, 1980, Títulos I, II, III, y IV</p> <p><i>Circular 2.714</i>, octubre 6, 1992; <i>Circular 1</i>, enero 17, 1989; <i>Capítulo 19 de la Recopilación Actualizada de Normas de la Superintendencia de Bancos e Instituciones Financieras sobre Auditores Externos</i></p> <p><i>Circulares 327</i>, junio 29, 1983, y <i>350</i>, octubre 21, 1983, <i>de la Superintendencia de Valores y Seguros</i></p>
<b>Description</b>	<p><u>Cross-Border Services</u></p> <p>External auditors of financial institutions must be registered in the Registry of External Auditors kept by the <i>Superintendencia de Bancos e Instituciones Financieras</i> and the <i>Superintendencia de Valores y Seguros</i>. Only firms legally incorporated in Chile as partnerships (<i>sociedades de personas</i>) or associations (<i>asociaciones</i>) and whose main line of business is auditing services may be inscribed in the Registry.</p>

<b>Sector</b>	Professional Services Legal Services
<b>Classification</b>	CPC 861      Legal services
<b>Obligations Concerned</b>	National Treatment (Article 12.4) Most-Favoured-Nation Treatment (Article 12.5)
<b>Measures</b>	<i>Código Orgánico de Tribunales, Título XV</i>  <i>Decreto 110 del Ministerio de Justicia, Diario Oficial, marzo 20, 1979</i>  <i>Ley 18.120, Diario Oficial, mayo 18, 1982</i>  <i>Convenio sobre Mutuo Reconocimiento de Exámenes y de Títulos Profesionales entre Chile y Ecuador, Diario Oficial, julio 16, 1937</i>
<b>Description</b>	<u>Cross-Border Services</u>  Only Chilean natural persons shall be authorised to practice as lawyers ( <i>abogados</i> ).  Only lawyers ( <i>abogados</i> ) duly qualified to practice law shall be authorised to plead a case in Chilean courts and to file the first legal action or claim of each party. The following documents, among others, shall be drawn up solely by lawyers ( <i>abogados</i> ): drafting of articles of incorporation and amendments thereto; mutual termination of obligations or liquidation of corporations; liquidation of community property between spouses ( <i>sociedad conyugal</i> ); distribution of property; articles of incorporation of juridical persons, associations, water canal members ( <i>asociaciones de canalistas</i> ), and cooperatives associations ( <i>cooperativas</i> ); agreements governing financial transactions; corporate bond issuance agreements; and sponsoring applications for legal representation made by corporations and foundations.  Chile has a bilateral agreement with Ecuador, whereby Ecuadorian citizens holding a lawyers degree granted by a University in Ecuador are admitted to practice as lawyers ( <i>abogado</i> ) in Chile.

None of these measures apply to foreign legal consultants who practice in areas or advise on matters not covered above, including the law of any country in which that consultant is authorised to practice as a lawyer.

<b>Sector</b>	Professional, Technical, and Specialised Services Auxiliary Services in the Administration of Justice
<b>Classification</b>	CPC 861      Legal services
<b>Obligations Concerned</b>	National Treatment (Article 12.4) Local Presence (Article 12.7)
<b>Measures</b>	<p><i>Código Orgánico de Tribunales</i>, Títulos XI y XII</p> <p><i>Reglamento del Registro del Conservador de Bienes Raíces</i>, Títulos I, II, y III</p> <p><i>Ley 18.118</i>, Diario Oficial 22 de mayo, 1982, Título I</p> <p><i>Decreto 197 del Ministerio de Economía</i>, Diario Oficial 8 de agosto, 1985</p> <p><i>Ley 18.175</i>, Diario Oficial 28 de octubre, 1982, Título III</p>
<b>Description</b>	<p><u>Cross-Border Services</u></p> <p>Justice ancillaries (<i>auxiliares de justicia</i>) must have their residence in the same city or place where the courthouse for which they render services is domiciled.</p> <p>Public defenders (<i>defensores públicos</i>), public notaries (<i>notarios públicos</i>), and custodians (<i>conservadores</i>) shall be Chilean natural persons and fulfil the same requirements needed to become a judge.</p> <p>Archivists (<i>archiveros</i>) and arbitrators at law (<i>arbitros de derecho</i>) must be lawyers and, therefore, must be Chilean natural persons. Brunei Darussalam, New Zealand or Singapore lawyers may assist in arbitration when dealing with Brunei Darussalam, New Zealand or Singapore law and the private parties request it.</p> <p>Only Chilean natural persons with the right to vote, and foreign natural persons with permanent residence and the right to vote, can act as process servers (<i>receptores judiciales</i>) and superior court attorneys (<i>procuradores del número</i>).</p>

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

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

<b>Sector</b>	Transportation Air Transportation
<b>Classification</b>	CPC 734 Rental services of aircraft with operator CPC 7469 Other supporting services for air transport
<b>Obligations Concerned</b>	National Treatment (Article 12.4) Most-Favoured-Nation Treatment (Article 12.5) Local Presence (Article 12.7)
<b>Measures</b>	<p><i>Ley 18.916</i>, Diario Oficial, febrero 8, 1990, <i>Código Aeronáutico</i>, Títulos preliminar, II y III</p> <p><i>Decreto Ley 2.564</i>, Diario Oficial, junio 22, 1979, <i>Normas sobre Aviación Comercial</i></p> <p><i>Decreto Supremo 624 del Ministerio de Defensa</i>, Diario Oficial, enero 5, 1995</p> <p><i>Ley 16.752</i>, Diario Oficial, febrero 17, 1968, Título II</p> <p><i>Decreto 34 del Ministerio de Defensa</i>, Diario Oficial, febrero 10, 1968</p> <p><i>Decreto Supremo 102 del Ministerio de Transportes y Telecomunicaciones</i>, Diario Oficial, junio 17, 1981</p> <p><i>Decreto supremo 172 del Ministerio de Defensa</i>, Diario Oficial, marzo 5, 1974</p> <p><i>Decreto Supremo 37 del Ministerio de Defensa</i>, Diario Oficial, diciembre 10, 1991</p> <p><i>Decreto 234 del Ministerio de Defensa</i>, Diario Oficial, junio 19, 1971</p>
<b>Description</b>	<p><u>Investment and Cross-Border Services</u></p> <p>Only a Chilean natural or juridical person may register an aircraft in Chile. A juridical person must be constituted in Chile with principal domicile and real effective seat in Chile. In addition, a majority of its ownership must be held by Chilean natural or juridical persons, which in turn must comply with the aforementioned requisites.</p>

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

A foreign registered private aircraft engaged in non-commercial activities may not remain in Chile more than 30 days from its date of entry into Chile, unless authorized by the *Dirección General de Aeronáutica Civil*. For greater certainty, this measure shall not apply to specialty air services as defined in Article 12.1 (*Definitions*), except for glider towing and parachute jumping.

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

Foreign aviation personnel shall be allowed to work in that capacity in Chile provided that Chilean civil aviation authorities validate the license or authorization granted by a foreign country. In the absence of an international agreement regulating such validation, the license or authorization shall be granted under conditions of reciprocity. In that case, proof shall be submitted showing that the licenses or authorizations were issued or validated by the pertinent authorities in the State where the aircraft is registered, that the documents are in force, and that the requirements for issuing or validating such licenses and authorizations meet or exceed the standards required in Chile for analogous cases.

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

Foreign civil aircraft not engaging in commercial transport activities or non-scheduled commercial air transport

intending to enter Chilean territory, including its territorial waters, to fly over Chile, and to make stop-overs for non-commercial purposes, shall be required to notify the *Dirección General de Aeronáutica Civil* at least twenty-four hours in advance. Commercial traffic aircraft not operating on a regular basis shall not be allowed to carry passengers, cargo, or mail in Chilean territory without prior authorization by the *Junta de Aeronáutica Civil*.

<b>Sector</b>	Transportation Shipping
<b>Classification</b>	CPC 721      Transport services by sea-going vessels CPC 722      Transport services by non-sea-going vessels
<b>Obligations Concerned</b>	National Treatment (Article 12.4) Most-Favoured-Nation Treatment (Article 12.5) Local Presence (Article 12.7)
<b>Measures</b>	<p><i>Decreto Ley 3.059</i>, Diario Oficial, diciembre 22, 1979, <i>Ley de Fomento a la Marina Mercante</i>, Títulos I y II</p> <p><i>Decreto Supremo 24</i>, Diario Oficial, marzo 10, 1986, <i>Reglamento del Decreto Ley 3.059</i>, Títulos I y II</p> <p><i>Decreto Ley 2.222</i>, Diario Oficial, mayo 31, 1978, <i>Ley de Navegación</i>, Títulos I, II, III, IV, y V</p> <p><i>Decreto Supremo 153</i>, Diario Oficial, marzo 11, 1966, <i>Aprueba el Reglamento General de Matrícula del Personal de Gente de Mar, Fluvial y Lacustre</i></p> <p><i>Código de Comercio</i>, Libro III, Títulos I, IV, y V</p> <p><i>Ley 19.420</i>, Diario Oficial, octubre 23, 1995, <i>Establece incentivos para el desarrollo económico de las provincias de Arica y Parinacota y modifica cuerpos legales que indica</i>, Título Disposiciones varias</p>
<b>Description</b>	<p><u>Investment and Cross-Border Services</u></p> <p>Only a Chilean natural or juridical person may register a vessel in Chile. A juridical person must be constituted with principal domicile and real and effective seat in Chile. Its president, manager, and majority of the directors or administrators must be Chilean natural persons. In addition, more than 50 percent 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.</p> <p>A joint ownership (<i>comunidad</i>) may register a vessel if (1)</p>

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

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

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

Foreign vessels shall be required to use pilotage, anchoring, and harbor pilotage services when the maritime authorities so require it. 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, and be registered in the respective Registry. Professional titles and licenses granted by a foreign country shall be considered valid for the discharge of officers' duties on national vessels pursuant to a substantiated resolution (*resolución fundada*) issued by the Director.

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

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

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

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

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

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

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

<b>Sector</b>	Transportation Shipping
<b>Classification</b>	CPC 721      Transport services by sea-going vessels CPC 722      Transport services by non-sea-going vessels
<b>Obligations Concerned</b>	National Treatment (Article 12.4) Local Presence (Article 12.7)
<b>Measures</b>	<p><i>Código de Comercio</i>, Libro III, Títulos I, IV y V</p> <p><i>Decreto Ley 2.222</i>, Diario Oficial, mayo 31, 1978, <i>Ley de Navegación</i>, Títulos I, II, y IV</p> <p><i>Decreto 90 del Ministerio del Trabajo y Seguridad Social</i>, Diario Oficial, enero 21, 2000</p> <p><i>Decreto 49 del Ministerio del Trabajo y Seguridad Social</i>, Diario Oficial, julio 16, 1999</p> <p><i>Código del Trabajo</i>, Libro I, Título II, Capítulo III, párrafo 2º</p>
<b>Description</b>	<p><u>Investment and Cross-Border Services</u></p> <p>Shipping agents or representatives of ship operators, owners, or captains, whether they are natural or juridical persons, shall be required to be Chilean nationals.</p> <p>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.</p> <p>Whenever these activities are carried out by juridical persons, they must be legally constituted in the country and have their principal domicile in Chile. The chairman, administrators, managers, or directors must be Chilean. At least 50 percent 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.</p> <p>Harbour workers shall pass a basic course on harbour security in a <i>Organismo Técnico de Ejecución</i> authorized by</p>

the National Service of Training and Employment, according to the norms established in the respective regulation.

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

<b>Sector</b>	Transportation Land Transportation
<b>Classification</b>	CPC 712    Other land transport services
<b>Obligations Concerned</b>	National Treatment (Article 12.4) Most-Favoured-Nation Treatment (Article 12.5) Local Presence (Article 12.7)
<b>Measures</b>	<i>Decreto Supremo 212 del Ministerio de Transportes y Telecomunicaciones</i> , Diario Oficial, noviembre 21, 1992  <i>Decreto 163 del Ministerio de Transportes y Telecomunicaciones</i> , Diario Oficial, enero 4, 1985  <i>Decreto Supremo 257 del Ministerio de Relaciones Exteriores</i> , Diario Oficial, octubre 17, 1991
<b>Description</b>	<u>Cross-Border Services</u>

Land transportation service providers shall register in the National Registry by submitting an application to the Regional Secretary of Transportation and Telecommunications. In the case of urban services, applicants shall submit the application to the Regional Secretary responsible for the area in which the service is to be provided and, in the case of rural and interurban services, in the region where the applicant is domiciled. The application shall provide the detailed information required by law, attaching thereto, among other documents, a properly certified photocopy of the National Identity Card and, in the case of juridical persons, the public instruments accrediting its constitution, name, and domicile of its legal representative and documents evidencing such capacity. Foreign natural and juridical persons qualified to provide international transportation services in Chilean territory cannot provide local transportation services or participate in any manner whatsoever in said activities in the national territory.

Only companies with actual and effective domicile in Chile and organized under the laws of Chile, Argentina, Bolivia, Brazil, Peru, Uruguay, or Paraguay shall be authorized to provide international land transportation services between Chile and Argentina, Bolivia, Brazil, Peru, Uruguay, and

Paraguay. Furthermore, to obtain an international land transport permit, in the case of foreign juridical persons, more than 50 percent of its corporate capital and effective control shall be held by nationals of Chile, Argentina, Bolivia, Brazil, Peru, Uruguay, or Paraguay.

<b>Sector</b>	Transportation Land Transportation
<b>Classification</b>	CPC 712    Other land transport services
<b>Obligations Concerned</b>	National Treatment (Article 12.4) Most-Favoured-Nation Treatment (Article 12.5)
<b>Measures</b>	<i>Ley 18290</i> , Diario Oficial, febrero 7, 1984, Título IV  <i>Decreto Supremo 485 del Ministerio de Relaciones Exteriores</i> , Diario Oficial, septiembre 7, 1960, <i>Convención de Ginebra</i>
<b>Description</b>	<u>Cross-Border Services</u>  Motor vehicles bearing foreign license plates that enter the country on a temporary basis, pursuant to provisions set forth in the 1949 <i>Geneva Convention on Road Traffic</i> , shall circulate freely throughout the national territory for the period established therein, provided that they comply with the requirements established by Chilean law.  Holders of valid international driving licenses or certificates issued in a foreign country in accordance with the 1949 <i>Geneva Convention on Road Traffic</i> may drive anywhere within the national territory. The driver of a vehicle bearing foreign license plates who holds an international driver's license 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.

## Schedule of New Zealand

<b>Sector</b>	All Sectors
<b>Industry Classification</b>	
<b>Obligations concerned</b>	National Treatment (Article 12.4)
<b>Measure</b>	Companies Act 1993 Financial Reporting Act 1993
<b>Description</b>	<p><u>Investment</u></p> <p>Overseas companies are required to prepare audited financial statements on an annual basis. Legislation also requires financial statements in relation to an overseas company's New Zealand business. The following companies are required to deliver annual audited financial statements to the Registrar of Companies for registration:</p> <ul style="list-style-type: none"><li>a) issuers – ie those which have raised capital from the New Zealand public;</li><li>b) overseas companies;</li><li>c) subsidiaries of companies or bodies corporate incorporated outside New Zealand; or</li><li>d) companies in which 25 percent or more of the shares are held or controlled by:<ul style="list-style-type: none"><li>(i) a subsidiary of a company or body corporate incorporated outside New Zealand or a subsidiary of that subsidiary;</li><li>(ii) a company or body corporate incorporated outside New Zealand;</li><li>(iii) a person not ordinarily resident in New Zealand.</li></ul></li></ul>

<b>Sector</b>	All Sectors
<b>Obligations concerned</b>	National Treatment (Article 12.4)
<b>Measure</b>	Overseas Investment Act 1973 Fisheries Act 1996 Overseas Investment Regulations 1996
<b>Description</b>	<p><u>Investment</u></p> <p>Consistent with New Zealand's overseas investment regime as set out in the relevant provisions of the Overseas Investment Act 1973, the Fisheries Act 1996, the Overseas Investment Regulations 1996 (and proposed successor legislation) the following investment activities require prior approval from the New Zealand Government:</p> <ul style="list-style-type: none"> <li>(a) acquisition or control of 25 per cent or more of any class of shares or voting power in a New Zealand entity where either the consideration for the transfer or the value of the assets exceeds NZ\$50 million;*</li> <li>(b) commencement of business operations or acquisition of an existing business, including business assets, in New Zealand, where the total expenditures to be incurred in setting up or acquiring that business or those assets exceed NZ\$50 million;*</li> <li>(c) acquisition or control, regardless of dollar value, of certain categories of land that are regarded as sensitive or require specific approval according to New Zealand's Overseas Investment legislation, and acquisition of any land wherever located worth more than NZ\$10 million; ** and</li> <li>(d) acquisition, regardless of the dollar value, of 25 per cent or more of any class of shares or voting power in a New Zealand entity that owns commercial fishing quota or annual catch entitlement, or the acquisition of commercial fishing quota or</li> </ul>

annual catch entitlement.

Overseas investors must comply with the criteria set out in the overseas investment regime for the establishment, acquisition, expansion, management, conduct and operation of an investment in New Zealand and any conditions specified by the Overseas Investment Commission and the responsible Minister of the Crown.

\* Proposed New Zealand legislation is being considered that would raise the NZ\$50 million threshold to NZ\$100 million.

\*\* Proposed New Zealand legislation is being considered that would eliminate the NZ\$10 million threshold.

<b>Sector</b>	Business services
<b>Industry Classification</b>	Services relating to patents
<b>Obligations concerned</b>	National Treatment (Article 12.4) Market Access (Article 12.6)
<b>Measure</b>	S.100(2)(a) of the Patents Act 1953
<b>Description</b>	<u>Cross Border Services and Investment</u>  Registration of patent attorneys who have qualified elsewhere than in New Zealand is restricted to those who satisfy the criteria set out in S.100(2)(a) of the Patents Act 1953, being any person who is a British subject or a citizen of the Republic of Ireland.

<b>Sector</b>	Business services Services incidental to dairy and beef cattle farming
<b>Industry Classification</b>	CPC 8812 Services incidental to animal husbandry
<b>Obligations concerned</b>	National Treatment (Article 12.4)
<b>Measure</b>	The Dairy Industry Restructuring Act 2001
<b>Description</b>	<u>Cross Border Services and Investment</u>

The Dairy Industry Restructuring Act 2001 (DIRA) and regulations provide for the New Zealand government to acquire, free of charge, and without condition, a copy of a regulated database held by the Livestock Improvement Corporation Ltd (LIC) in the event of its demutualisation or certain other events.

In addition, the DIRA sets out data reporting obligations to the LIC applying to those engaged in herd testing of dairy cattle herds. The DIRA also provides for conditions for access to that data held by LIC.

Pursuant to the DIRA, rules for access to the regulated database provide that applications for access to data may be refused unless they are in the interests of the New Zealand dairy industry.

Investment restrictions also apply in the case of the LIC, which requires the approval of the responsible Minister if it wishes to relax the current statutory restriction requiring shareholders to be dairy farmers who buy services from the LIC.

<b>Sector</b>	Communication Services Postal
<b>Industry Classification</b>	CPC 7511 Postal services
<b>Obligations concerned</b>	National Treatment (Article 12.4) Most-Favoured-Nation (Article 12.5) Market Access (Article 12.6)
<b>Measure</b>	The Postal Services Act 1998
<b>Description</b>	<p><u>Cross Border Services and Investment</u></p> <p>The Postal Services Act 1998 reserves the <i>Universal Postal Union</i> designation for a New Zealand operator.</p> <p>The issue of stamps bearing the words “New Zealand” is restricted under the Act to <i>Universal Postal Union</i> designated operators, except where these words form part of the name of the operator issuing the stamps.</p>

<b>Sector</b>	Communication Services Telecommunications
<b>Industry Classification</b>	CPC 7521 Public telephone services CPC 7522 Business network services CPC 7523 Data & message transmission services CPC 7525 Interconnection services CPC 7529 Other telecommunications services
<b>Obligations concerned</b>	National Treatment (Article 12.4) Market Access (Article 12.6)
<b>Measure</b>	The Constitution of the Telecom Corporation of New Zealand.
<b>Description</b>	<u>Investment</u>  The Constitution of the Telecom Corporation of New Zealand Limited requires New Zealand government approval for the shareholding of any single overseas entity to exceed 49.9 percent.  At least half of Board directors are required to be New Zealand citizens.

<b>Sector</b>	Communication Services Audio-visual Services
<b>Industry Classification</b>	CPC 96131 Radio services CPC 96133 Combined programme making and broadcasting services
<b>Obligations concerned</b>	National Treatment (Article 12.4) Market Access (Article 12.6) Local Presence (Article 12.7)
<b>Measure</b>	Radiocommunications Act 1989
<b>Description</b>	<u>Cross Border Services and Investment</u>  The acquisition of licences or management rights to use the radio frequency spectrum, or any interest in such licences or management rights, under the Radiocommunications Act 1989 by foreign governments or agents on behalf of foreign government is subject to the written approval of the Chief Executive of the Ministry of Economic Development.

<b>Sector</b>	Distribution Services Commission agents' services Wholesale trade services
<b>Industry Classification **</b>	<p>CPC 62111 commission agents' services for agricultural raw materials and live animals</p> <p>CPC 62112 commission agents' services for food products, beverages and tobacco</p> <p>CPC 62116 commission agents' services for textiles, clothing and footwear</p> <p>CPC 62118 commission agents' services for goods not elsewhere classified</p> <p>CPC 6221 wholesale trade services for agricultural raw materials and live animals, excluding 62213 for services related to unmanufactured tobacco</p> <p>CPC 62221 wholesale trade services for fruit and vegetables</p> <p>CPC 62223 wholesale trade services for meat, poultry and game</p> <p>CPC 62226 wholesale trade services for beverages</p> <p>CPC 62229 wholesale trade services for food products not elsewhere classified</p> <p>CPC 62231 wholesale trade services for textiles</p> <p>CPC 62234 wholesale trade services for fur articles</p>
<b>Obligations concerned</b>	National Treatment (Article 12.4) Market Access (Article 12.6)
<b>Measure</b>	The Primary Products Marketing Act 1953
<b>Description</b>	<p><u>Cross Border Services and Investment</u></p> <p>The Primary Products Marketing Act 1953 provides for the establishment of statutory marketing organisations with monopoly or lesser powers over the exporting of products derived</p>

\*\* This reservation only applies to products derived from the activities and goods listed in the description.

from beekeeping; fruit growing; hop growing;  
deer farming or game deer; or of goats, being  
the fur bristles or fibres grown by the goat.

## Schedule of Singapore

<b>Sector</b>	All
<b>Industry classification</b>	
<b>Obligations Concerned</b>	Market Access (Article 12.6)
<b>Measure</b>	Insurance Act, Cap. 142, MAS Notice 149 Banking Act, Cap. 19, MAS Notice 757 Finance Companies Act, Cap. 108, MAS Notice 816 Monetary Authority of Singapore Act, Cap. 186, MAS Notice 1105 Securities Industry Act, Act 15 of 1986, MAS Notice 1201/ Securities and Futures Act 2001, Cap 289 Section 101, SFA 04-N04
<b>Description</b>	<p><u>Investment</u></p> <p>Financial institutions extending Singapore dollar (S\$) credit facilities exceeding S\$5 million per entity to non-resident financial entities or arranging S\$ equity or bond issues for non-residents, shall ensure that where the S\$ proceeds are to be used outside Singapore, they are swapped or converted into foreign currency upon draw-down or before remittance abroad.</p> <p>Financial institutions shall not extend S\$ credit facilities to non-resident financial entities if there is reason to believe that the S\$ proceeds may be used for S\$ currency speculation.</p> <p>The term “non-resident” is as defined in MAS Notice 757 issued under the Banking Act.</p>

<b>Sector</b>	All
<b>Industry Classification</b>	
<b>Obligations Concerned</b>	National Treatment (Article 12.4)
<b>Measure</b>	Administrative
<b>Description</b>	<p><u>Investment</u></p> <p>The aggregate of foreign shareholdings in PSA Corporation and/or its successor body shall be subject to a 49 percent limit.</p> <p>The “aggregate of foreign shareholdings” is defined as the total number of shares owned by:</p> <ul style="list-style-type: none"> <li>(i) any individual who is not a Singapore citizen;</li> <li>(ii) any corporation which is not more than 50 percent owned by Singapore citizens or by the Singapore Government; and/or</li> <li>(iii) any other enterprise which is not owned or controlled by the Singapore Government.</li> </ul>

<b>Sector</b>	All
<b>Industry Classification</b>	
<b>Obligations Concerned</b>	National Treatment (Article 12.4)
<b>Measure</b>	Administrative
<b>Description</b>	<p><u>Investment</u></p> <p>All individual investors, apart from the Singapore government, shall be subject to the following equity ownership limits in the enterprises, and/or their successor bodies, as listed below:</p> <p>Singapore Technologies Engineering – 15 percent</p> <p>PSA Corporation – 5 percent</p> <p>Singapore Airlines – 5 percent</p> <p>Singapore Power, SP PowerAssets, SP Services, Power Gas – 10 percent.</p> <p>For the purposes of this reservation, ownership of equity by an investor in these enterprises and/or their successor bodies includes both direct and indirect ownership of equity.</p>

<b>Sector</b>	All
<b>Industry Classification</b>	
<b>Obligations Concerned</b>	National Treatment (Article 12.4)
<b>Measure</b>	Business Registration Act, Cap. 32, 2001 Revised Edition Business Registration Regulations, Regulation 9 Companies Act, Cap. 50, 1994 Revised Edition
<b>Description</b>	<p><u>Cross-border services and Investment</u></p> <p>Only a service supplier who is a Singapore citizen, Singapore permanent resident or Singapore Employment Pass holder shall be allowed to register a business without appointing a local manager.</p> <p>A local manager shall be a Singapore citizen, Singapore permanent resident or Singapore Employment Pass holder.</p> <p>All locally incorporated companies shall comply with the following requirements:</p> <ul style="list-style-type: none"> <li>(i) at least 1 director of the company shall be resident in Singapore; and</li> <li>(ii) all branches of foreign companies registered in Singapore shall have at least 2 agents resident in Singapore.</li> </ul> <p>To be resident in Singapore, a person shall be either a Singapore citizen or Singapore permanent resident or Singapore Employment Pass holder.</p>

<b>Sector</b>	All
<b>Industry Classification</b>	
<b>Obligations Concerned</b>	National Treatment (Article 12.4)
<b>Measure</b>	State Lands Act, Cap 314, Sections 3 and 19(1)
<b>Description</b>	<u>Investment</u>  Singapore may divest State Land in a manner inconsistent with National Treatment

<b>Sector</b>	Business Services Architectural Services Architectural services includes selling or supplying for gain or reward any architectural plan, drawing, tracing or the like for use in the construction, enlargement or alteration of any building or part thereof. It includes the certification and inspection of buildings for compliance with fire safety regulations.
<b>Industry Classification</b>	
<b>Obligations Concerned</b>	National Treatment (Article 12.4) Local Presence (Article 12.7)
<b>Measure</b>	Architects Act, Cap.12, 2000 Revised Edition
<b>Description</b>	<p><u>Cross-Border Services and Investment</u></p> <p>Only persons who are registered with the Board of Architects (BOA) and/or its successor body and resident in Singapore are allowed to provide architectural services.</p> <p>All corporations and partnerships (including those which are providing architectural services as part of a multi-disciplinary corporation or practice) providing architectural services shall obtain a licence from the BOA. To qualify for the licence, the corporation or partnership shall:</p> <ul style="list-style-type: none"> <li>(i) be under the control and management of a director or partner who is a Singapore-registered architect; where a multi-disciplinary corporation or partnership is concerned, the business of the corporation or partnership relating to architectural services shall be under the control and management of a director or partner who is a Singapore-registered architect; and</li> <li>(ii) where limited corporations are concerned, the Chairman and at least 51 percent of the directors of a corporation shall be Singapore-registered architects or allied professionals; where unlimited corporations are concerned, the</li> </ul>

directors or members shall be registered professional engineers or allied professionals; where partnerships are concerned, the beneficial interest in the capital assets and profits of the partnership shall be held by Singapore-registered architects or allied professionals.

Allied professionals are Singapore-registered land surveyors and engineers.

<b>Sector</b>	Business Services Financial Auditing services
<b>Industry Classification</b>	CPC 86211 Financial auditing services
<b>Obligations Concerned</b>	National Treatment (Article 12.4) Local Presence (Article 12.7)
<b>Measure</b>	The Accountants Act 2004, Sections 10(1), 17(3)(d) and 18(3)(c) Accounts (Public Accountants) Rules 2004, Second Schedule, Paragraph 7
<b>Description</b>	<p><u>Cross-Border Services and Investment</u></p> <p>Only service suppliers who are registered with the Institute of Certified Public Accountants of Singapore (ICPAS) and the Accounting and Corporate Regulatory Authority and/or their successor bodies shall be registered as public accountants and appointed as company auditor. The business of the firm and accounting corporation, so far as it related to the supply of public accountancy services in Singapore, shall be under the control and management of a public accountant ordinarily resident in Singapore.</p> <p>At least one of the partners of the firm shall be effectively resident in Singapore.</p>

<b>Sector</b>	Business Services Other tax-related services
<b>Industry Classification</b>	CPC 86309 Other tax-related services
<b>Obligations Concerned</b>	National Treatment (Article 12.4) Local Presence (Article 12.7)
<b>Measure</b>	Administrative
<b>Description</b>	<u>Cross-Border Services and Investment</u>  Public accountants shall be effectively resident in Singapore or at least one of the partners of the firm shall be effectively resident in Singapore. Only public accountants registered with the Public Accountants Board (PAB) and/or its successor body shall practise as tax consultants for local tax laws.

<b>Sector</b>	Business Services Land Surveying Services
<b>Industry Classification</b>	
<b>Obligations Concerned</b>	National Treatment (Article 12.4) Local Presence (Article 12.7)
<b>Measure</b>	Land Surveyors Act, Cap. 156, 1992 Revised Edition, Sections 12-16 and 22-28 Land Surveyors Rules, Rules 2-20
<b>Description</b>	<p><u>Cross-Border Services and Investment</u></p> <p>Land surveying refers to the survey of land as set out in the Land Surveyors Act, Cap 156.</p> <p>All persons seeking to provide land surveying services in Singapore are required to register with the Land Surveyors Board (LSB) and/or its successor body, be resident in Singapore and have had practical experience in surveying in Singapore.</p> <p>All corporations and partnerships (including those which are providing land surveying services as part of a multi-disciplinary corporation or practice) seeking to provide land surveying services shall obtain a licence from the LSB. To qualify for the licence, the corporation or partnership shall:</p> <ul style="list-style-type: none"> <li>(i) be under the control and management of a director or partner who is a Singapore-registered surveyor resident in Singapore; where a multi-disciplinary corporation or partnership is concerned, the business of the corporation or partnership relating to land surveying services shall be under the control and management of a director or partner who is a Singapore-registered surveyor resident in Singapore; and</li> <li>(ii) where limited corporations are concerned, all its directors shall be Singapore-registered surveyors or allied professionals and not less than 51 percent of each class of shares shall</li> </ul>

be beneficially owned by and registered in the names of registered surveyors and/or allied professionals; where unlimited corporations are concerned, the directors or members shall be registered professional engineers or allied professionals; where partnerships are concerned, only Singapore-registered surveyors and allied professionals shall have a beneficial interest in the capital assets and profits of the partnership.

Allied professionals are Singapore-registered engineers and architects.

<b>Sector</b>	Business Services Patent Agent Services
<b>Industry Classification</b>	
<b>Obligations Concerned</b>	National Treatment (Article 12.4) Local Presence (Article 12.7)
<b>Measure</b>	Patents Act, Cap. 221, 1995 Revised Edition
<b>Description</b>	<p><u>Cross-Border Services and Investment</u></p> <p>Only service suppliers registered with the Intellectual Property Office of Singapore (IPOS) and/or its successor body and resident in Singapore shall be allowed to carry on a business, practise or act as a patent agent in Singapore.</p> <p>Only service suppliers which have at least one Singapore-registered patent agent resident in Singapore either as a director or partner, shall be allowed to carry on a business, practise or act as a patent agent in Singapore.</p>

<b>Sector</b>	Business services Placement and supply services of personnel
<b>Industry Classification</b>	CPC 87204 Supply services of domestic help personnel
<b>Obligations Concerned</b>	Local Presence (Article 12.7)
<b>Measure</b>	Employment Agencies Act, Cap. 92
<b>Description</b>	<p><u>Cross-Border Services</u></p> <p>Only service suppliers with local presence shall be allowed to set up employment agencies and place foreign workers in Singapore.</p> <p>These agencies are not the direct employer of foreign workers in Singapore. They serve as intermediaries to help source and supply foreign workers to employers of these workers. Thus, this reservation shall be read with the Annex IV reservation relating to the supply of a service by a natural person.</p>

<b>Sector</b>	<p>Business Services</p> <p>Professional Engineering services</p> <p>Professional engineering services includes any professional service, consultation, investigation, evaluation, planning, design or responsible supervision of construction or operation in connection with any public or privately owned public utilities, buildings, machines, equipment, processes, works or projects wherein the public interest and welfare, or the safeguarding of life, public health or property is concerned or involved, and that requires the application of engineering principles and data.</p>
<b>Industry Classification</b>	
<b>Obligations Concerned</b>	<p>National Treatment (Article 12.4)</p> <p>Local Presence (Article 12.7)</p>
<b>Measure</b>	<p>Professional Engineers Act, Cap. 253, 1992 Revised Edition</p>
<b>Description</b>	<p><u>Cross-Border Services and Investment</u></p> <p>Only persons who are registered with or firms which are licensed by the Professional Engineers Board (PEB) are allowed to provide professional engineering services in Singapore.</p> <p>The implementation in Singapore of professional engineering works which require approval by the authorities shall be carried out by a professional engineer physically present in Singapore for the duration when the project is being implemented.</p> <p>All corporations and multi-disciplinary partnerships providing professional engineering services shall obtain a licence from Professional Engineering Board and/or its successor body. To qualify for the licence, the corporation or multi-disciplinary partnership shall meet the following requirements:</p> <p>(i) the business of the corporation or partnership relating to professional engineering services shall be under the control and management of a director or a partner who is a Singapore-</p>

registered professional engineer and who has a valid practising certificate and who, in the case of corporations, is authorised under a resolution of the board of directors of the corporation to make all final engineering decisions on behalf of the corporation; and

- (ii) where limited corporations are concerned, the majority of the directors shall be Singapore-registered professional engineers or allied professionals; where unlimited corporations are concerned, all the directors or members shall be registered professional engineers or allied professionals; where multi-disciplinary partnerships are concerned, the beneficial interest in the capital assets and profits of the partnerships shall be held by Singapore-registered professional engineers or allied professionals.

Allied professionals are Singapore-registered land surveyors and architects.

<b>Sector</b>	Business Services Real Estate Services
<b>Industry Classification</b>	CPC 82202 Non-residential property management services on a fee or contract basis
<b>Obligations Concerned</b>	National Treatment (Article 12.4)
<b>Measure</b>	Sentosa Development Corporation Revised Edition 1998 (30 <sup>th</sup> May 1998)
<b>Description</b>	<p><u>Cross-Border Services and Investment</u></p> <p>Only the Sentosa Development Corporation and/or its successor body shall be allowed to develop and manage the resort island of Sentosa and its waterways and the Southern Islands of Singapore.</p> <p>However, private developers are allowed to develop specific plots of land on Sentosa and the Southern Islands of Singapore for commercial, residential and recreational purposes.</p> <p>For the purpose of this reservation, the “Southern Islands of Singapore” are St. John’s Island, Lazarus Island, Kusu Island, Pulau Renggit, Sister’s Island, Pulau Hantu, Pulau Biola, Pulau Jong and Pulau Tekukor.</p>

<b>Sector</b>	Business Services Technical testing and analysis services
<b>Industry Classification</b>	CPC 86769 Other technical testing and analysis services
<b>Obligations Concerned</b>	Local Presence (Article 12.7)
<b>Measure</b>	Agri-Food and Veterinary Authority Act, Cap. 5, 2001 Revised Edition Animals and Birds Act, Cap. 7, 1985 Revised Edition Control of Plants Act, Cap. 57A, 2000 Revised Edition
<b>Description</b>	<p><u>Cross-border Services</u></p> <p>Only service suppliers with local presence shall be allowed to provide testing, analytical and certification services on animals, plants, and products derived from animals and plants which are physically present in Singapore, including but not limited to, where such items are intended for import, export and import for the purposes of re-export.</p> <p>For greater certainty, Singapore reserves the right and flexibility to modify and/or increase the items as defined and/or listed in the Animals and Birds Act and the Control of Plants Act.</p>

<b>Sector</b>	Business services Private Investigation Services Unarmed Guard Services
<b>Industry Classification</b>	CPC 87301 Investigation Services CPC 87302 Security Consultation Services CPC 87305 Guard Services (only applies to unarmed security guard services)
<b>Obligations Concerned</b>	National Treatment (Article 12.4) Most-Favoured-Nation Treatment (Article 12.5)
<b>Measure</b>	Private Investigation and Security Agencies Act, Cap. 249, Regulation 23
<b>Description</b>	<u>Cross-border Services and Investment</u>  Only Singapore citizens or permanent residents and Malaysian citizens can be employed as security guards or as private investigators in enterprises providing private investigation or security guard services. Foreigners can be involved in the administration of the enterprise.  All enterprises providing unarmed guard services are precluded from escorting cash-in transit operations of S\$250,000 and above.  Please also note Singapore's reservation for armed guard services in Annex IV.

<b>Sector</b>	Community, Personal and Social Services Services of co-operative societies
<b>Industry Classification</b>	CPC 952 Services furnished by membership organisations n.e.c (only applies to co-operative society services)
<b>Obligations Concerned</b>	National Treatment (Article 12.4) Local Presence (Article 12.7)
<b>Measure</b>	Co-operative Societies Act, Cap. 62
<b>Description</b>	<u>Cross-Border Services and Investment</u>

Only service suppliers with local presence can be registered under the Co-operative Societies Act. Registration allows a co-operative society to be exempt from taxation measures applicable to other enterprises.

As a general rule, only Singapore citizens are allowed to hold office or be a member of the management committee of a co-operative society. Foreigners may be allowed to hold office or be a member of the management committee of a co-operative society, on a case-by-case basis.

A person who is not a Singapore citizen can form and join a co-operative society if he or she is resident in Singapore.

A foreign co-operative society may be allowed to acquire the shares of a Singapore cooperative society, on a case-by-case basis.

<b>Sector</b>	Education Services Higher Education Services in relation to the training of doctor
<b>Industry Classification</b>	CPC 92390 Other Higher Education Services (Only applies to Higher Education Services in relation to the training of doctors)
<b>Obligations Concerned</b>	National Treatment (Article 12.4)
<b>Measure</b>	Medical Registration Act, Part V, Specialist Accreditation Board, Sections 2, 3, 34 and 35
<b>Description</b>	<p><u>Investment</u></p> <p>Only local tertiary institutions shall be allowed to operate undergraduate or graduate programmes for the training of doctors.</p> <p>Local tertiary institutions are tertiary institutions which are established pursuant to an Act of Parliament.</p>

<b>Sector</b>	Health and Social Services Contact Lens Practitioners
<b>Industry Classification</b>	
<b>Obligations Concerned</b>	Local Presence (Article 12.7)
<b>Measure</b>	Contact Lens Practitioner Act, Cap. 53A, 1996 Revised Edition, Sections 4-7
<b>Description</b>	<u>Cross-border Services</u>  Only service suppliers who are resident in Singapore shall be allowed to be Contact Lens Practitioners.

<b>Sector</b>	Health and Social Services Deliveries and related services, nursing services, physiotherapeutic and para-medical services (only for nursing and midwifery services)
<b>Industry Classification</b>	CPC 93191 Deliveries and related services, nursing services, physiotherapeutic and para-medical services (Only applies to nursing and midwifery services)
<b>Obligations Concerned</b>	Local Presence (Article 12.7)
<b>Measure</b>	Nurses and Midwives Act, Cap. 209, 2000 Revised Edition, Sections 26-30
<b>Description</b>	<u>Cross-border Services</u>  Only service suppliers who are registered with the Singapore Nursing Board and/or its successor body and resident in Singapore shall be allowed to supply nursing and midwifery services.

<b>Sector</b>	Health and Social Services Medical Services
<b>Industry Classification</b>	CPC 9312 Medical Services
<b>Obligations Concerned</b>	National Treatment (Article 12.4) Local Presence (Article 12.7)
<b>Measure</b>	Medical Registration Act, Cap. 174, 1998 Revised Edition
<b>Description</b>	<p><u>Cross-border Services</u></p> <p>Only service suppliers who are registered with the Singapore Medical Council and/or its successor body, and resident in Singapore shall be allowed to supply medical services.</p> <p>Persons seeking to be registered with the Singapore Medical Council and who are not Singapore citizens will have to complete 6 years of conditional registration before he or she is eligible for full registration.</p> <p>This reservation shall be read in conjunction with the Annex IV reservation on the limit on the number of doctors who can practise in Singapore.</p>

<b>Sector</b>	Health and Social Services Pharmacy Services
<b>Industry Classification</b>	
<b>Obligations Concerned</b>	Local Presence (Article 12.7)
<b>Measure</b>	Pharmacists Registration Act, Cap. 230, 1985 Revised Edition Medicines Act, 1985 Revised Edition
<b>Description</b>	<p><u>Cross-border Services</u></p> <p>Only service suppliers who are registered with the Singapore Pharmacy Board and/or its successor body and resident in Singapore shall be allowed to supply pharmacy services.</p> <p>This reservation shall be read in conjunction with the Annex IV reservation relating to the limit on the number of pharmacists who can practise in Singapore.</p> <p>Only Singapore-registered pharmacists (apart from medical professionals) shall be able to do the following: prepare, dispense, assemble or sell medicinal products as defined under the Medicines Act.</p> <p>For greater certainty, Singapore reserves the right and flexibility to modify and/or increase the list of products as defined and/or listed in the Medicines Act.</p>

<b>Sector</b>	Import, export and trading services
<b>Industry Classification</b>	
<b>Obligations Concerned</b>	Local Presence (Article 12.7)
<b>Measure</b>	Regulation of Imports and Exports Act, Cap. 272 A Regulation of Imports and Exports Regulation
<b>Description</b>	<u>Cross-border Services</u>  Only services suppliers with local presence shall be allowed to apply for import/export permits, certificates of origin or other trade documents from the relevant authorities.

<b>Sector</b>	Manufacturing
<b>Industry Classification</b>	
<b>Obligations Concerned</b>	National Treatment (Article 12.4) Most-Favoured-Nation Treatment (Article 12.5)
<b>Measure</b>	Control of Manufacture Act, Cap. 57, 2001 Revised Edition
<b>Description</b>	<u>Investment</u>

The manufacture of the following products, in Singapore, may be subject to certain restrictions:

- (a) beer and stout;
- (b) cigars;
- (c) drawn steel products;
- (d) chewing gum, bubble gum, dental chewing gum or any like substance (not being a medicinal product within the meaning of the Medicines Act (Cap. 176) or a substance in respect of which an order under section 54 of that Act has been made);
- (e) cigarettes; and
- (f) matches.

The restrictions are not aimed at, but may result in inconsistencies with National Treatment and Most-Favoured-Nation Treatment.

A company intending to manufacture any of the above products in Singapore shall write in to the Registrar of Manufacturers for approval.

<b>Sector</b>	Post and Telecommunications Services Postal Services
<b>Industry Classification</b>	
<b>Obligations Concerned</b>	National Treatment (Article 12.4) Local Presence (Article 12.7)
<b>Measure</b>	Postal Services Act, Cap. 237A
<b>Description</b>	<p><u>Cross-border Services and Investment</u></p> <p>(i) Only Singapore Post Pte Ltd and/or its successor body is allowed to convey letters and postcards and perform all incidental services of receiving, collecting, sending, dispatching and delivering of letters and postcards.</p> <p>A letter is defined as any written or printed communication in the nature of current and personal correspondence. Current correspondence refers to daily correspondence between individuals and organisations, while personal correspondence refers to any correspondence that is addressed to any person, company or organisation by name or designation. A postcard means a card recognised as a postcard in accordance with the terms of the Convention regulating the affairs of the Universal Postal Union.</p> <p>(ii) Paragraph (i) of this reservation does not apply to express letter services, which is defined as a local, or an international express letter service or both. This service is administered under the Telecommunications (Class License for Postal Services) Regulations 1997.</p> <p>Local express letters must be delivered and received in the same working day and charges must be more than S\$1 per item or 3 times Singapore Post's postage for a 20 gram non-express letter, whichever is higher.</p> <p>An outgoing international express letter must be</p>

delivered faster than Singapore Post's published delivery standards for outgoing (non-express) airmail letters and must have a price which is at least 3 times higher than Singapore Post's non-express rate for a 20 gram airmail letter to the same country of destination.

Incoming international express letters must be delivered within the same working day.

(iii) Service suppliers providing express letter services must have a local presence in Singapore.

<b>Sector</b>	Telecommunications Services
<b>Industry Classification</b>	
<b>Obligations Concerned</b>	National Treatment (Article 12.4) Local Presence (Article 12.7)
<b>Measure</b>	Info-communications Development Authority of Singapore Act, Cap. 137A Telecommunications Act, Cap. 323
<b>Description</b>	<p><u>Cross-Border Services</u></p> <p>A facilities-based operator (FBO) must be a company incorporated under the Singapore Companies Act, Chapter 50 (1994)*.</p> <p>A services-based operator (SBO) must be a company incorporated or a foreign company registered under the Singapore Companies Act, Chapter 50 (1994).</p> <p>The number of licences granted will be limited only by resource constraints, such as the availability of radio frequency spectrum. In view of spectrum constraints, parties interested in deploying networks based on wireless technology may be licensed to use radio frequency spectrum via a tender or auction process.</p>

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\* A facilities-based operator deploying only fixed wireless infrastructure for public broadband multimedia services through the use of nationwide wireless LAN, LMDS, infra-red and laser technologies may be a foreign company registered under the Singapore Companies Act, Chapter 50 (1994).

<b>Sector</b>	Telecommunications Services Domain name allocation policies in Internet country code top level domains (ccTLDs) corresponding to Singapore territories (.sg)
<b>Industry Classification</b>	
<b>Obligations Concerned</b>	Local Presence (Article 12.7)
<b>Measure</b>	Info-communications Development Authority of Singapore Act, Cap. 137A  Telecommunications Act (Cap. 323)  The Internet Corporation for Assigned Names and Numbers (ICANN), which recognises the ultimate authority of sovereign Governments over ccTLDs corresponding to their territories.
<b>Description</b>	<u>Cross-Border Services</u>  A registrar must be a company incorporated or a foreign company registered under the Singapore Companies Act, Chapter 50 (1994).

<b>Sector</b>	Power supply
<b>Industry Classification</b>	
<b>Obligations Concerned</b>	National Treatment (Article 12.4)
<b>Measure</b>	Electricity Act, Cap. 89A, 2002 Revised Edition, Sections 6(1) and 9(1)
<b>Description</b>	<p><u>Cross-Border Services</u></p> <p>Power producers, whether or not foreign-owned and whether located within or outside Singapore, shall only sell power through the Singapore electricity wholesale market and shall not be allowed to sell directly to consumers.</p> <p>The amount of power supplied cumulatively by power producers located outside of Singapore to Singapore's wholesale power market shall not exceed 600 MW.</p>

<b>Sector</b>	Power supply
<b>Industry Classification</b>	
<b>Obligations Concerned</b>	National Treatment (Article 12.4)
<b>Measure</b>	Electricity Act, Cap. 89A, 2002 Revised Edition
<b>Description</b>	<p><u>Cross-Border Services and Investment</u></p> <p>Only SP Services Ltd and/or its successor body shall be allowed to supply electricity to:</p> <ul style="list-style-type: none"> <li>(i) all household consumers of electricity;</li> <li>(ii) non-household consumers of electricity whose Average monthly consumption is below 10,000kWh; and</li> <li>(iii) consumers whose electricity is supplied at single-phase low voltage.</li> </ul>

<b>Sector</b>	Power transmission and distribution
<b>Industry Classification</b>	
<b>Obligations Concerned</b>	National Treatment (Article 12.4)
<b>Measure</b>	Electricity Act, Cap. 89A, 2002 Revised Edition
<b>Description</b>	<p><u>Cross-Border Services and Investment</u></p> <p>Only SP PowerAssets Ltd and/or its successor body shall be the transmission licensee as defined in the Electricity Act.</p> <p>SP PowerAssets Ltd and/or its successor body shall be the sole owner and operator of the electricity transmission and distribution network in Singapore.</p>

<b>Sector</b>	Private households with employed persons
<b>Industry Classification</b>	CPC 980 Private households with employed persons
<b>Obligations Concerned</b>	National Treatment (Article 12.4)
<b>Measure</b>	Circular No: URA/PB/2001/20-PPD Technopreneur Home Office Scheme
<b>Description</b>	<p><u>Cross-Border Services and Investment</u></p> <p>Only service suppliers who qualify under the home office schemes shall be allowed to set up businesses in their homes.</p> <p>As set out in Circular No: URA/PB/2001/20-PPD, home office businesses are only allowed on limited sites which are zoned “Commercial &amp; Residential” and “Residential with Commercial on First Storey Only”.</p>

<b>Sector</b>	Tourism and Travel Related services Beverage serving services for consumption on the premises Meal serving services in eating facilities run by the government Retail sales of foods
<b>Industry Classification</b>	CPC 643 Beverage serving services for consumption on the premises. CPC 642 Food serving services CPC 6310 Retail sales of food
<b>Obligations Concerned</b>	National Treatment (Article 12.4) Local Presence (Article 12.7)
<b>Measure</b>	Environmental Public Health Act, Cap. 95, 1999 Revised Edition
<b>Description</b>	<u>Cross-Border Services and Investment</u>  Only a Singapore citizen or permanent resident can apply for a licence to operate a food establishment in places such as hawker centres, restaurants and cafes, in their personal capacity.

<b>Sector</b>	Trade services Distribution and Sale of Hazardous Substances
<b>Industry Classification</b>	
<b>Obligations Concerned</b>	Local Presence (Article 12.7)
<b>Measure</b>	Environmental Pollution Control Act, Cap. 94A, 2000 Revised Edition, Section 22
<b>Description</b>	<p><u>Cross-Border Services</u></p> <p>Only service suppliers with local presence shall be allowed to distribute and sell hazardous substances as defined in the Environmental Pollution Control Act.</p> <p>For greater certainty, Singapore reserves the right and flexibility to modify and/or increase the list of hazardous substances as defined and/or listed in the Environmental Pollution Control Act.</p>

<b>Sector</b>	Trade services Distribution Services Retailing Services Wholesale Trade Services
<b>Industry Classification</b>	
<b>Obligations Concerned</b>	National Treatment (Article 12.4)
<b>Measure</b>	Medicines Act, Cap. 176, 1985 Revised Edition
<b>Description</b>	<p><u>Cross-Border Services and Investment</u></p> <p>Only service suppliers who appoint a local agent shall be allowed to supply wholesale, retail and distribution services for medical and health-related products and materials as defined under the Medicines Act, intended for purposes such as treating, alleviating, preventing or diagnosing any medical condition, disease or injury, as well as any other such items that may have an impact on the health and well-being of the human body.</p> <p>Such products and materials include but are not limited to drugs and pharmaceuticals, traditional medicines, health supplements, diagnostic test kits, medical devices, cosmetics, tobacco products, radioactive materials and irradiating apparatuses.</p> <p>For greater certainty, Singapore reserves the right and flexibility to modify and/or increase the list of medical and health-related products and materials as defined and/or listed in the Medicines Act.</p>

<b>Sector</b>	Transport Services Air Transport Services - Passengers Transportation by Air Freight Transportation by Air
<b>Industry Classification</b>	CPC 731 Passenger Transportation by Air CPC 732 Freight Transportation by Air
<b>Obligations Concerned</b>	National Treatment (Article 12.4)
<b>Measure</b>	
<b>Description</b>	<p><u>Cross Border Services and Investment</u></p> <p>Service suppliers providing air transport services (for both passenger and freight) as a Singapore designated airline shall have to comply with the “effective control” and/or “substantial ownership” requirements of Singapore’s bilateral and multilateral air services agreements.</p> <p>Compliance with the requirements of these agreements may require these service suppliers to comply with conditions on effective control and limits on the foreign ownership as stipulated in Singapore’s bilateral and multilateral air services agreements.</p>

<b>Sector</b>	Transport Services Maritime Transport Services Cargo Handling Services Pilotage Services Supply of Desalinated Water to Ships berthed at Singapore ports or in Singapore territorial waters
<b>Industry Classification</b>	CPC 741 Cargo Handling Services CPC 74520 Pilotage and Berthing Services (only applies to Pilotage Services) CPC 74590 Other Supporting Services for Water Transport
<b>Obligations Concerned</b>	National Treatment (Article 12.4)
<b>Measure</b>	Maritime and Port Authority of Singapore Act, Cap. 170A, 1997 Revised Edition
<b>Description</b>	<u>Cross-Border Services and Investment</u>  Only PSA Corporation Ltd and Jurong Port Pte Ltd and/or their respective successor bodies shall be allowed to provide cargo handling services.  Only PSA Marine (Pte) Ltd. and/or its successor body shall be allowed to provide pilotage services and supply desalinated water to ships berthed at Singapore ports or in Singapore territorial waters.

<b>Sector</b>	Transport Services Maritime Transport Services
<b>Industry Classification</b>	
<b>Obligations Concerned</b>	National Treatment (Article 12.4) Local Presence (Article 12.7)
<b>Measure</b>	Maritime and Port Authority of Singapore Act, Cap. 170A, 1997 Revised Edition
<b>Description</b>	<u>Cross-Border Services and Investment</u>  Only local service suppliers shall be allowed to operate and manage cruise and ferry terminals.  Local service suppliers are either Singapore citizens or legal persons which are more than 50 percent owned by Singapore citizens.

<b>Sector</b>	Transport Services Maritime Transport Services
<b>Industry Classification</b>	CPC 74590 Other Supporting Services for Water Transport
<b>Obligations Concerned</b>	National Treatment (Article 12.4)
<b>Measure</b>	Merchant Shipping Act, Cap. 179, 1996 Revised Edition
<b>Description</b>	<p><u>Cross-Border Services and Investment</u></p> <p>Only a Singapore citizen or permanent resident or Singapore legal person shall be allowed to register a ship under the Singapore flag.</p> <p>To register a ship, other than tugs and barges, in Singapore, the company shall have a minimum paid-up capital of S\$50,000. To register a tug or barge in Singapore, the company and its holding company shall have a paid-up capital pegged to 10 percent of the value of the first tug or barge registered or S\$50,000 whichever is the lesser, subject to a minimum of S\$10,000.</p> <p>All Singapore legal persons seeking to register ships under the Singapore flag shall appoint a ship manager who is resident in Singapore.</p> <p>Vessels or ships owned by Singapore legal persons that are not majority owned by Singapore citizens or Singapore permanent residents shall be of at least 1,600 Gross Tonnage and be self-propelled before they can be registered under the Singapore flag.</p> <p>For the purposes of this reservation, a Singapore legal person is a locally incorporated company.</p>

<b>Sector</b>	Transport Services Maritime Transport Services
<b>Industry Classification</b>	
<b>Obligations Concerned</b>	National Treatment (Article 12.4)
<b>Measure</b>	Maritime and Port Authority of Singapore Act, Cap. 170A, 1997 Revised Edition, Section 40 Maritime and Port Authority of Singapore (Registration and Employment of Seamen) Regulations
<b>Description</b>	<u>Cross-Border Services</u>  Only Singapore citizens and permanent residents can register as Singapore seamen as defined in the Maritime and Port Authority of Singapore Act.

<b>Sector</b>	Production, retail, transportation and distribution of manufactured gas and natural gas (piped gas)
<b>Industry Classification</b>	
<b>Obligations Concerned</b>	National Treatment (Article 12.4)
<b>Measure</b>	Gas Act, Cap. 116A
<b>Description</b>	<p><u>Cross-Border Services and Investment</u></p> <p>Only City Gas Ltd and/or its successor body shall be allowed to produce and retail manufactured gas.</p> <p>Only Power Gas Ltd and/or its successor body shall be allowed to transport and distribute manufactured and natural gas (piped gas).</p> <p>Power Gas Ltd and/or its successor body shall be the sole owner and operator of the gas pipeline in Singapore.</p>

<b>Sector</b>	Transport Services Transportation services via pipeline
<b>Industry Classification</b>	Transportation of goods via pipeline of goods such as chemical and petroleum products and petroleum, and other related products
<b>Obligations Concerned</b>	Local Presence (Article 12.7)
<b>Measure</b>	Administrative
<b>Description</b>	<p><u>Cross-Border Services</u></p> <p>Only service suppliers with local presence shall be allowed to provide transportation services via pipeline of goods such as chemical and petroleum products and petroleum, and other related products.</p> <p>For greater certainty, Singapore reserves the right and flexibility to modify and/or increase the list of the chemical and petroleum products, and other related products that are subject to this reservation.</p>