Annex 10 referred to in Chapter 10

Schedule in relation to Articles 118 and 119

Schedule of Japan

Introductory Note

1. The scheduling under Articles 118 and 119 follows the Guidelines for the Scheduling of Specific Commitments (WTO Document S/L/92, March 28, 2001), as applicable. The Guidelines shall not, however, be construed as being legally binding.

2. For prudential reasons within the context of Article 123, Japan shall not be prevented from taking measures such as non-discriminatory limitations on juridical forms of a commercial presence. For the same reasons, Japan shall not be prevented from applying non-discriminatory limitations concerning admission to the market of new financial services which shall be consistent with regulatory framework aimed at achieving such prudential objectives. In this context, securities firms are allowed to deal in securities defined in the relevant Japanese law, and banks are not allowed to deal in those securities unless allowed in accordance with the said law.

	Sector or sub-sector	Limitations on market access	Limitations on national treatment
A.	Insurance and Insurance- Related Services	None ¹	None
в.	Banking and Other Financial Services (excluding Insurance and Insurance-Related Services)	None	None except that the deposit insurance system does not cover deposits taken by branches of foreign banks.

1 Insurance intermediation services may be supplied only for insurance contracts allowed to be supplied in Japan.

Schedule of Chile

Terms and conditions affecting market access and national treatment in the specific commitments of Chile in financial services

1. The non-conforming measures listed in Schedules of Chile in Annexes 6 and 7 shall apply, as applicable, to the commitments specified in this Schedule, *mutatis mutandis*.

2. Chile may take measures for prudential reasons through regulatory or administrative authorities, in addition to those who have regulatory responsibilities with respect to financial institutions, such as the Ministry of Labor.

3. The Chilean financial services sector is partially compartmentalized, that is to say the institutions, domestic and foreign, authorized to operate as banks may not participate directly in the insurance and securities business and vice versa. However, subject to authorization from the Superintendency of Banks and Financial Institutions (*Superintendencia de Bancos e Instituciones Financieras*) (hereinafter referred to as "SBIF"), domestic and foreign banks operating in Chile may set up subsidiaries, with their own and separate capital, to supply other financial services in addition to their main line of business. The main business of banks is accepting or receiving money from the public on a regular basis and granting money credits represented by securities or commercial paper or any other credit instrument.

4. The sub-sectors and services included in this Schedule are defined in accordance with the relevant Chilean legislation.

5. Chile reserves the right of the Central Bank of Chile (*Banco Central de Chile*) to maintain or adopt measures in conformity with Law 18.840, Constitutional Organic Law of the Central Bank of Chile (*Ley 18.840*, *Ley Orgánica Constitucional del Banco Central de Chile*) or other legislation, in order to ensure currency stability and the normal operation of domestic and foreign payments. For this purpose, the Central Bank of Chile is empowered to regulate the supply of money and credit in circulation and international credit and foreign exchange operations. The Central Bank of Chile is empowered as well to issue regulations governing monetary, credit, financial, and foreign exchange matters. Such measures include, *inter alia*, the establishment of restrictions or limitations on current payments and transfers (capital movements) to or from Chile, as well as transactions related to them, such as requiring that deposits, investments or credits from or to a foreign country, be subject to a reserve requirement (*encaje*). Notwithstanding the above, the reserve requirement that the Central Bank of Chile can apply pursuant to Article 49 N° 2 of Law 18.840, shall not exceed 30 percent of the amount transferred and shall not be imposed for a period which exceeds two years. When applying measures under this Annex, Chile, as established in its legislation, shall not discriminate between Japan and any third country with respect to transactions of the same nature. 6. Chile may restrict or prescribe on a non-discriminatory basis a specific type of legal entity, including subsidiaries, branches, representative offices or any other form of commercial presence that must be adopted by entities operating in all financial services sub-sectors.

7. The introduction to the market of new financial services or products could be subject to the existence of, and consistency with, a regulatory framework designed to achieve the objectives set out in Article 121.

8. None of Chile's commitments applies to the social security system, including the Institute for Pension Normalization (*Instituto de Normalización Previsional*)(INP) under Law 18.689, the pension funds under Decree Law 3.500, the Social Security Health Institutions (*Instituciones de Salud Previsional*)(ISAPRES) under Law 18.933, the National Health Care Fund (*Fondo Nacional de Salud*)(FONASA) under Law 18.469, the Non Profit Social Security Benefits Administrators (*Cajas de Compensación*) under Law 18.833, Law 16.744 on work accidents, unemployment insurance under Law 19.728, and amendments to those laws, and whether those services are provided by the institutions created by law for those purposes or other financial institutions through which financial services related to the social security system are provided or could be provided.

9. The term "CPC" means the Provisional Central Product Classification (Statistical paper Series M, No. 77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991).

Sector or sub-sector	Limitations on market access	Limitations on national treatment
 <u>Banking services</u>: a.1) Core banking services and bank operations: Acceptance of deposits (Includes only current bank accounts (cuentas corrientes bancarias), sight deposits, time deposits, savings accounts, financial instruments with repurchase agreements, and warranty deposits or surety bonds.) 	<pre>Foreign banking institutions must be banking companies (sociedades bancarias) legally constituted in their country of origin and must put up the capital required by Chilean law. Foreign banking institutions may only operate: (i) through shareholdings in Chilean banks constituted as corporations in Chile; (ii) by becoming constituted as a corporation in Chile; or</pre>	None

Credit granting (Includes only ordinary loans, consumer credit, loans in letters of credit, mortgage loans, mortgage loans in letters of credit, purchase of financial instruments with resale agreements, credit for issue of bank surety bonds or other types of financing, issue and negotiation of letters of credit for imports and exports, issue and confirmation of stand-by letters of credit) Purchase of publicly-offered securities (Includes only purchase of bonds, purchase of letters of credit, subscription and placement as agents of shares, bonds and letters of credit (underwriting)) Issue and operation of credit cards (CPC 81133) (Includes only credit cards issued in Chile) Issue and operation of debit cards Travelers' checks Transfer of funds (bank drafts) Discounting or acquisition of bills of exchange and promissory notes Endorsement and guarantee of third party liabilities in Chilean currency and foreign currency Securities custody	 (iii) as branches of foreign corporations, in which case the legal personality in the country of origin is recognized. For the purposes of foreign bank branch operations in Chile, the capital effectively invested in Chile is considered, and not that of the main office. No Chilean or foreign, natural or legal, person may acquire directly or through third parties shares in a bank which, alone or added to the shares such a person already possesses, represent more than 10 percent of the bank's capital without having first obtained the authorization of the SBIF. In addition, the partners or shareholders of a financial institution may not transfer a percentage of rights or shares in their company in excess of 10 percent without having obtained authorization from the SBIF. 	

Exchange market operations carried out according to the regulations issued or to be issued by the Central Bank of Chile Operations with derivatives authorized or to be authorized by the Central Bank of Chile (Includes only forwards and swaps of currency and interest rate) Acceptance and execution of fiduciary operations		
Voluntary pension savings plans (Planes de Ahorro Previsional Voluntario)	Unbound with regard to subparagraph 2(e) of Article 119. Voluntary savings plans may only be offered by banks constituted in Chile under one of the arrangements previously mentioned. These plans require prior authorization by the SBIF.	None
a.2) Complementary banking services:	The supply of financial services that complement core banking services may be provided directly by these institutions, with prior authorization from the SBIF, or through subsidiaries which the SBIF shall determine.	
Financial leasing (CPC 81120) (Includes only leasing contracts for goods acquired at the client's request, i.e. financial institutions cannot acquire goods in order to stock them and offer them for leasing)	Financial leasing services are regarded as complementary banking services and, consequently, the SBIF is empowered to extend or restrict the operation of the financial leasing services which these institutions may offer, and these institutions may only offer the services expressly authorized by the SBIF.	None

Advisory and other auxiliary financial services (CPC 8133) (Includes only services indicated in the banking sub-sector in this Schedule)	None	None
Factoring	Unbound with regard to subparagraph 2(e) of Article 119. Factoring services are regarded as complementary banking services and, consequently, the SBIF is empowered to extend or restrict the operation of the financial factoring services which these institutions may offer, and these institutions may only offer the services expressly authorized by the SBIF.	None
<pre>Management of funds of third parties performed by: (In no circumstances does this include management of pension funds and voluntary pension savings plans (Planes de Ahorro Previsional Voluntario)) i) Mutual funds management companies; ii) Investment funds management companies; iii) Foreign capital investment funds management companies; or iv) General funds management companies</pre>	The management of funds of third parties is regarded as a complementary banking service and, therefore, in the case of banks can only be offered through subsidiaries as constituted in the General Banking Act and with prior authorization of both the SBIF and the Securities and Insurance Supervisor (<i>Superintendencia de Valores y</i> <i>Seguros</i>) (hereinafter referred to as "SVS").	None, except for foreign capital investment funds referred to in Law 18.657 in which the capital contributed may not be remitted abroad until five years from the date in which the contribution was made.

Intermediation of publicly offered securities (CPC 81321)	Banks can provide the services of intermediation of publicly offered securities through subsidiaries as constituted in the General Banking Act, either as securities agents and/or as stockbrokers. The description of agents and stockbrokers in horizontal note 1 of the securities services section of this Schedule apply in this case. Except for the requirement to enroll in the relevant register of the SVS, in order to provide these services bank subsidiaries must comply with the securities laws and the norms issued by the SVS. Prior authorization from both the SVS and the SBIF is required.	None
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b) Insurance and insurance-related services:

1. In Chile, the insurance business is divided into two groups: the first group comprises companies that insure property or patrimony (*patrimonio*) against the risk of loss or damage, while the second comprises those that cover personal risks or guarantee, within or at the end of a certain term, a capital sum, a paid-up policy or an income for the insured or his or her beneficiaries. The same insurance company may not be constituted in such a way as to cover both categories of risk.

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

3. This Schedule does not include insurance related to the social security system.

Insurance:

Sale of direct life insurance (Does not include insurance related to the social security system) (CPC 81211)

Sale of direct general insurance (CPC 8129, except for CPC 81299) (Does not include the Social Security Health Institutions (Instituciones de Salud Previsional) (ISAPRES) i.e. legal persons set up for the purpose of providing health benefits to persons who opt to become members and financed through the statutory contribution of a percentage of taxable income fixed by law or a higher amount, as the case may be. Also, it does not include the National Health Fund (Fondo Nacional de Salud) (FONASA), a public agency financed by the government and the statutory contribution of a percentage of taxable income fixed by law, which is jointly responsible for paying benefits under the optional health scheme which persons not members of an ISAPRE may join. Does not include sale of insurance for international maritime transport, international commercial aviation and goods in international transit)

Direct insurance services can be provided only by insurance companies constituted in Chile as corporations or as branches of foreign corporations with the sole purpose of developing this line of business, either direct life insurance or direct general insurance. In the case of general credit insurance (CPC 81296), they must be constituted as corporations or branches with the sole purpose of covering this type of risk.

Insurance corporations can be legally constituted only in accordance with the provisions of the law on corporations.

For the purposes of foreign insurance branch operations in Chile, the patrimony (patrimonio) effectively invested in Chile is considered, and not that of the main office. Such patrimony must be effectively transferred and converted into domestic currency in conformity with any of the systems authorized by law or by the Central Bank of Chile (Banco Central de Chile). The increases in capital that do not come from the capitalization of reserves will have the same treatment as the initial capital. In transactions between a branch and its main office or other related companies abroad will be considered as independent entities. No foreign insurance company will be able to invoke rights derived from its nationality regarding transactions that its branch may carry out in Chile.

None

	Insurance may be issued directly or through insurance brokers who, to engage in that activity, must be enrolled in the Register maintained by the SVS, and must satisfy the requirements of the law.	
Sale of insurance for international maritime transport, international commercial aviation and goods in international transit (Includes goods transported, the vehicle transporting the goods and any civil responsibility deriving therefrom. Does not include national transport (cabotage))	Insurance services for international maritime transport, international commercial aviation and goods in international transit may be offered by insurance corporations constituted in Chile and which have the sole purpose of developing the business of direct general insurance.	None
Insurance brokers (Does not include insurance for international maritime transport, international commercial aviation and goods in international transit)	Insurance brokers must be enrolled in the Register maintained by the SVS and fulfill the requirements established by the SVS. Only legal persons legally constituted in Chile for this specific purpose may provide this service.	None
Brokers of insurance for international maritime transport, international commercial aviation and goods in international transit (Includes goods transported, the vehicle transporting the goods and any civil responsibility deriving therefrom. Does not include national transport (cabotage))	Brokers of insurance for international maritime transport, international commercial aviation and goods in international transit must be enrolled in the Register maintained by the SVS and fulfill the requirements established by the SVS. Only legal persons legally constituted in Chile for this specific purpose may provide this service.	None

Administration of voluntary pension savings plans (<i>Planes de Ahorro</i> <i>Previsional Voluntario</i>) through life insurance	Unbound with respect to subparagraph 2(e) of Article 119. The voluntary pension savings plans may only be offered by life insurance companies constituted in Chile in accordance with the terms and conditions set out above regarding establishment for the provision of direct insurance services. Those plans and associated policies must have prior authorization from the SVS.	None
Reinsurance and retrocession (Includes reinsurance brokers)	Reinsurance and retrocession services are provided by reinsurance corporations and branches constituted in Chile in accordance with the provisions of the law on corporations and authorized by the SVS. Insurance corporations may also provide reinsurance and retrocession services as a complement to their insurance business if their articles of association so allow. Reinsurance and retrocession services may also be provided by foreign reinsurers and foreign reinsurance brokers enrolled in the Register maintained by the SVS.	None
Claim settlement services	Claim settlement services may be offered directly by insurance companies constituted in Chile or by legal persons constituted in Chile and registered with the SVS.	None
Auxiliary insurance services (Includes only consultancy, actuarial services and risk assessment)	Auxiliary insurance services may only be provided by legal persons constituted in Chile and registered with the SVS.	None

c) Securities services:

1. Publicly offered securities may be traded by legal persons whose sole purpose is securities brokerage, either as members of a stock exchange (stockbrokers) or outside the stock exchange (securities agents), and they must be registered with the SVS. However, only stockbrokers may trade shares or their derivatives (subscription options) on the stock exchange. Non-share securities may be traded by stockbrokers or securities agents registered with the SVS.

2. The purpose of financial portfolio management is to diversify investments, on behalf of third parties, over a range of instruments and may be provided by securities intermediaries (stockbrokers and securities agents) as a complementary activity for their clients.

3. Publicly offered securities risk rating services are provided by rating agencies constituted for the sole purpose of rating publicly offered securities, and they must be enrolled in the Register of Risk Rating Agencies (*Registro de Entidades Clasificadoras de Riesgo*) maintained by the SVS. They are inspected and controlled by the SVS. On the other hand, the inspection of rating agencies with respect to the rating of securities issued by banks and financial companies is the responsibility of the SBIF.

4. Securities custody consists of the physical safe-keeping of securities' certificates and may be undertaken by securities intermediaries (stockbrokers and securities agents) as an activity complementary to their sole purpose which is securities brokerage. It may also be undertaken by entities that provide depository and custodial services for securities which should be constituted as special corporations with the sole purpose of receiving in deposit publicly offered securities from entities authorized by law and to facilitate operations for the transfer of such securities (centralized securities depositories(*depósitos centralizados de valores*)).

5. Financial advisory services, which involve giving financial advice on financing alternatives, investment appraisal, investment possibilities, and debt rescheduling strategies may be undertaken by securities intermediaries (stockbrokers and securities agents) as an activity complementary to their sole purpose which is securities brokerage.

6. Securities services that may be provided by banking institutions either directly or through subsidiaries are listed in the banking services sub-sector of this Schedule and are excluded from the securities services section of this Schedule.

- 7. The service of managing third parties' funds may be undertaken by the following:
 - (a) mutual funds management companies, those corporations whose sole purpose is the management of mutual funds;

- (b) investment funds management companies, those corporations whose sole purpose is the management of investment funds. Without prejudice to the above, those corporations may also manage foreign capital investment funds;
- (c) foreign capital investment funds management companies, those corporations whose sole purpose is the management of foreign capital investment funds. The capital brought into those funds may be remitted abroad only after five years from the date on which the capital contribution was made; or
- (d) general funds management companies, those corporations created for the purpose of managing mutual funds, investment funds, foreign capital investment funds, housing funds or any other fund supervised by the SVS.

8. The service of clearing houses for stock exchange derivative products may be undertaken by corporations constituted in Chile with that sole purpose. They have the purpose of being the counterpart for all purchases and sales of contracts for futures, securities options and others of similar nature authorized by the SVS.

<pre>Intermediation of publicly offered securities, except shares of corporations (CPC 81321) (Includes subscription and placement as agents (underwriting))</pre>	Brokerage activities must be supplied through a legal person constituted in Chile and require prior enrolment in the Register of stockbrokers and securities agents maintained by the SVS. In addition to the legal requirement concerning patrimony, the SVS may impose more stringent non- discriminatory requirements regarding economic solvency on intermediaries, taking into account the nature of their operations, the amounts involved, the type of instrument negotiated, and the category of intermediaries to which they apply.	None

<pre>Intermediation of publicly offered shares of corporations (CPC 81321) (Includes subscription and placement as agents (underwriting))</pre>	In order to trade on the stock exchange, intermediaries (stockbrokers) must be constituted as a legal person in Chile. They must acquire a share in the respective stock exchange and be accepted as members of this exchange. Prior enrolment in the Register of stockbrokers and securities agents maintained by the SVS is required for brokerage activities. In addition to the legal requirement concerning patrimony, the SVS may impose more stringent non- discriminatory requirements regarding economic solvency on intermediaries, taking into account the nature of their operations, the amounts involved, the type of instrument negotiated, and the category of intermediaries to which they apply.	None
Operations in stock exchange derivatives authorized by the SVS (Includes only dollar and interest rate futures, and options on shares. Shares must fulfill the requirements established by the respective clearing house (<i>Cámara de</i> <i>compensación</i>))	In order to trade on the stock exchange, intermediaries (stockbrokers) must be constituted as legal persons in Chile. They must acquire a share in their respective stock exchange and be accepted as members of this exchange. Prior enrolment in the Register of stockbrokers and securities agents maintained by the SVS is required for brokerage activities. In addition to the legal requirement concerning patrimony, the SVS may impose more stringent non- discriminatory requirements regarding economic solvency on intermediaries, taking into account the nature of their operations, the amounts involved, the type of instrument negotiated, and the category of intermediaries to which they apply.	None

Trading in metals on the stock exchange (Includes only gold and silver)	Trading in gold and silver may be carried out by stockbrokers on their own account and for third parties in the stock exchange in accordance with stock exchange regulations. In order to trade on the stock exchange, intermediaries (stockbrokers) must be constituted as legal persons in Chile. They must acquire a share in their respective stock exchange and be accepted as members of this exchange. Prior enrolment in the Register of stockbrokers and securities agents maintained by the SVS is required for brokerage activities. In addition to the legal requirement concerning patrimony, the SVS may impose more stringent non- discriminatory requirements regarding economic solvency on intermediaries, taking into account the nature of their operations,	None
Securities risk rating (Relates solely to rating or giving an opinion on publicly offered securities)	the amounts involved, the type of instrument negotiated, and the category of intermediaries to which they apply. In order to offer the service of securities risk rating, providers must be constituted in Chile as a partnership (<i>sociedad de</i> <i>personas</i>). One of the specific requirements to be fulfilled is that not less than 60 percent of the partnership's capital must be held by the principal partners (natural or legal persons in this line of business holding a minimum of 5 percent of the membership rights in the partnership). They must enroll in the register of risk rating agents maintained by the SVS.	None

Securities custody undertaken by securities intermediaries (CPC 81319) (Does not include the services offered by suppliers who combine custody, securities clearance and settlement (securities depositories (<i>Depósitos de</i> <i>Valores</i>)))	For securities custody, intermediaries (stockbrokers and agents) must be constituted in Chile as a legal person. In addition to the legal requirement concerning patrimony, the SVS may impose more stringent non-discriminatory requirements regarding economic solvency on intermediaries, taking into account the nature of their operations, the amounts involved, the type of instrument negotiated, and the category of intermediaries to which they apply.	None
Custody undertaken by entities for the deposit and custody of securities	Entities for the deposit and custody of securities must be constituted in Chile as corporations set up for that sole purpose and require authorization from the SVS.	None
Financial advisory services supplied by securities intermediaries (CPC 81332) (Financial advice refers only to the securities services included in this Schedule)	Financial advisory services supplied by securities intermediaries constituted as legal persons in Chile, require prior enrolment in the Register of stockbrokers and securities agents maintained by the SVS. In addition to the legal requirement concerning patrimony, the SVS may impose more stringent non-discriminatory requirements regarding economic solvency on intermediaries, taking into account the nature of their operations, the amounts involved, the type of instrument negotiated, and the category of intermediaries to which they apply.	None

Financial portfolio management supplied by security intermediaries (Does not under any circumstances include management of mutual funds, foreign capital investment funds, investment funds and pension funds.)	Financial portfolio management services supplied by securities intermediaries constituted as legal persons in Chile, require prior enrolment in the Register of stockbrokers and securities agents maintained by the SVS. In addition to the legal requirement concerning patrimony, the SVS may impose more stringent non- discriminatory requirements regarding economic solvency on intermediaries, taking into account the nature of their operations, the amounts involved, the type of instrument negotiated, and the category of intermediaries to which they apply.	None
<pre>Management of funds of third parties performed by: (Does not under any circumstances include management of pension funds and voluntary pension savings plans (Planes de Ahorro Previsional Voluntario)) i) mutual funds management companies; ii) investment funds management companies; iii) foreign capital investment funds management companies; or iv) general funds management companies</pre>	The fund management service may be carried out by corporations set up for that sole purpose or by a general funds management companies, constituted in Chile, with authorization from the SVS. Foreign capital investment funds may also be managed by investment funds management companies.	None, except for foreign capital investment funds referred to in Law 18.657 in which the capital contributed may not be remitted abroad until five years from the date in which the contribution was made.

Management of voluntary pension savings plans (Planes de Ahorro Previsional Voluntario)	Unbound with respect to subparagraph 2(e) of Article 119. The voluntary savings plans may only be offered by mutual funds, investment funds managers and general funds managers constituted in Chile in accordance with the terms and conditions set out above regarding establishment for the provision of fund management service. Those plans must have prior authorization from the SVS.	None	
Service of clearing houses for derivatives (contracts for futures and options on securities)	Clearing houses for futures contracts and options on securities must be constituted in Chile as corporations for that sole purpose and with an authorization from the SVS. They may only be constituted by stock exchanges and their stockbrokers.	None	
General deposit warehouses (warrants) (Corresponds to merchandise warehousing services accompanied by the issue of a deposit certificate and a chattel mortgage receipt (Vale de Prenda).)	Provision of warrant services may be carried out only by legal persons duly constituted in Chile who have the supply of warrant services as their sole purpose.	None	
d) Other financial services			
Provision and transfer of financial information and financial data processing and related software by suppliers of other financial services	None	None	