

**PROTOCOL AMENDING THE
FREE TRADE AGREEMENT
BETWEEN
THE EFTA STATES
AND
THE REPUBLIC OF CHILE**

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Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the Swiss Confederation
((hereinafter referred to as “the EFTA States”);

and

the Republic of Chile (Chile);

hereinafter collectively referred to as the “Parties”;

HAVING regard to the *Free Trade Agreement between the EFTA States and Chile* signed in
Kristiansand, Norway, on 26 June 2003 (the Agreement);

RECOGNISING the common wish to further strengthen the links between the EFTA States
and Chile;

HAVING regard to Article 103 of the Agreement;

HAVE AGREED TO THE FOLLOWING AMENDMENTS TO THE AGREEMENT:

Article I: Amendments to the Preamble

The text set out in Annex 1 to this Protocol shall replace the Preamble in its entirety.

Article II: Amendments to Chapter I (Initial Provisions)

- (a) The text set out in Annex 2 to this Protocol shall replace Article 1 (Establishment of a free trade area) in its entirety.
- (b) The text set out in Annex 3 of this Protocol shall replace Article 2 (Objectives) in its entirety.

Article III: Amendments to Chapter II (Trade in Goods)

The text set out in Annex 4 to this Protocol shall replace Chapter II (Trade in Goods) in its entirety.

Article IV: Amendments to Annex I (Concerning the definition of the concept of “Originating Products” and arrangements for Administrative Co-operation)

The text set out in Annex 5 to this Protocol shall replace Annex I (Concerning the definition of the concept of “Originating Products” and arrangements for Administrative Co-operation) in its entirety.

Article V: Deletion of Annexes III (Products not covered by this Agreement), IV (Processed Agricultural Products), V (Fish and Other Marine Products)

Annexes III (Products not covered by this Agreement), IV (Processed Agricultural Products), V (Fish and Other Marine Products) shall be deleted.

Article VI: Deletion of Annex VI (Elimination of Customs Duties)

Annex VI (Elimination of Customs Duties) shall be deleted.

Article VII: Incorporation of Annexes III (Chile Schedule of Tariff Commitments), IV (Iceland Schedule of Tariff Commitments), V (Norway Schedule of Tariff Commitments) and VI (Switzerland Schedule of Tariff Commitments)

The text set out in Annexes 6, 7, 8 and 9 to this Protocol shall be incorporated into the Agreement as new Annexes III (Chile Schedule of Tariff Commitments), IV (Iceland Schedule of Tariff Commitments), V (Norway Schedule of Tariff Commitments) and VI (Switzerland Schedule of Tariff Commitments).

Article VIII: Amendments to Annex VII (Import and Export Restrictions)

The reference to “Article 13” in Annex VII shall be replaced by “Article 11”.

Article IX: Incorporation of Annex VII_{bis} (Mandate of the Sub-Committee on trade in goods)

The text set out in Annex 10 to this Protocol shall be incorporated into the Agreement as new Annex VII_{bis} (Mandate of the Sub-Committee on trade in goods).

Article X: Incorporation of Annex VII_{ter} (Trade Facilitation)

The text set out in Annex 11 to this Protocol shall be incorporated into the Agreement as new Annex VII_{ter} (Trade Facilitation).

Article XI: Amendments to Annex VIII (Schedules of Specific Commitments)

The text set out in Annex 12 to this Protocol shall replace Annex VIII (Schedules of Specific Commitments) in its entirety.

Article XII: Incorporation of Annex VIII*bis* (Financial Services Schedule for Chile)

The text set out in Annex 13 to this Protocol shall be incorporated into the Agreement as new Annex VIII*bis* (Financial Services Schedule for Chile).

Article XIII: Amendments to Chapter III (Trade in Services and Establishment)

- (a) Articles 22 (Coverage) through 31 (Telecommunications services) shall be renumbered as Articles 26 (Coverage) through 35 (Telecommunications services).
- (b) Article 26 (Coverage) shall be amended by:
 - (i) adding the following new subparagraphs in paragraph 2: “(d) ground handling services” and “(e) airport operation services”.
 - (ii) adding the following footnotes:
 - (A) a footnote 2 to new subparagraph (d): “ground handling services” means the supply of a service on a fee or contract basis for: ground administration and supervision, including load control and communications; passenger handling; baggage handling; cargo and mail handling; ramp handling and aircraft services; fuel and oil handling; aircraft line maintenance, flight operations and crew administration; surface transport; or catering services. Ground handling services do not include security services or the operation or management of centralised airport infrastructure, such as baggage handling systems, de-icing facilities, fuel distribution systems, or intra-airport transport systems.”.
 - (B) a footnote 3 to new subparagraph (e): “airport operation services” means the operation or management, on a fee or contract basis, of airport infrastructure, including terminals, runways, taxiways and aprons, parking facilities, and intra-airport transportation systems. For greater certainty, airport operation services do not include the ownership of, or investment in, airports or airport lands, or any of the functions carried out by a board of directors. Airport operation services do not include air navigation services.”.

- (iii) adding the following new paragraph 4: “This Section shall not apply to trade in financial services, which is subject to Section II”.
- (c) The reference to “Article 27” in paragraph 1 of Article 29 (Market access) shall be replaced by “Article 31”.
- (d) The reference to “Article 27” in paragraph 1 of Article 30 (National treatment) shall be replaced by “Article 31”.
- (e) The references to “Article 25” and “Article 26” in paragraphs 1, 2 and 3 of Article 31 (Trade liberalisation) shall be replaced by “Article 29” and “Article 30”, respectively.
- (f) The text set out in Annex 14 to this Protocol shall be incorporated into the Agreement as new Section II (Financial Services).
- (g) Section II (Establishment) shall become Section III (Establishment), where Articles 32 (Coverage) through 37 (Final provisions) shall be renumbered as Articles 54 (Coverage) through 59 (Final provisions).
- (h) In Article 54 (Coverage), the words “including financial services” shall be inserted after the words “in services sectors”.
- (i) The references to “Article 34” in paragraph 1 of Article 57 (Reservations) shall be replaced by “Article 56”.
- (j) The reference to “Article 37” in paragraph 2 of Article 57 (Reservations) shall be replaced by “Article 59”.
- (k) The reference to “Article 34” in Article 58 (Right to regulate) shall be replaced by “Article 56”.
- (l) Section III (Payments and Capital Movements) shall become Section IV (Payments and Capital Movements), where Articles 38 (Objective and scope) through 42 (Final provisions) shall be renumbered as Articles 60 (Objective and scope) through 64 (Final Provisions).
- (m) In Article 62 (Capital account), a comma and the words “Financial Services” shall be inserted after the words “Trade in Services”.
- (n) Section IV (Common Provisions) shall become Section V (Common Provisions), where Article 43 (Relation to other international agreements) and Article 44 (General Exceptions) shall be renumbered as Article 65 (Relation to other international agreements) and Article 66 (General Exceptions), respectively.
- (o) The text set out in Annex 15 of this Protocol shall replace Article 66 (General exceptions) in its entirety.

(p) Former Article 45 (Financial services) shall be deleted.

Article XIV: Incorporation of Annex VIII~~ter~~ (Mandate of the Sub-Committee on financial services)

The text set out in Annex 16 to this Protocol shall be incorporated into the Agreement as a new Annex VIII~~ter~~ (Mandate of the Sub-Committee on Financial Services).

Article XV: Amendments to Annex IX (Telecommunication Services)

The reference to “Article 31” in Annex IX (Telecommunication Services) shall be replaced by "Article 35”.

Article XVI: Amendments to Annex X (Reservations)

The references to “Article 35” in Appendixes 1, 2, 3, 4, 5, 6 and 7 in Annex X (Reservations) shall be replaced by “Article 57”.

Article XVII: Amendments to Annex XI (Current Payments and Capital Movements)

The text set out in Annex 17 to this Protocol shall replace Annex XI (Current Payments and Capital Movements) in its entirety.

Article XVIII: Amendments to Chapter IV (Intellectual Property Rights)

The text set out in Annex 18 to this Protocol shall replace Chapter IV (Intellectual Property Rights) in its entirety.

Article XIX: Amendments to Annex XII (Intellectual Property Rights)

The text set out in Annex 19 to this Protocol shall replace Annex XII (Intellectual Property Rights) in its entirety.

Article XX: Amendments to Chapter V (Government Procurement)

The text set out in Annex 20 to this Protocol shall replace Chapter V (Government Procurement) in its entirety.

Article XXI: Amendments to Annex XIII (Covered Entities) and Annex XIV (General Notes)

The text set out in Annex 21 to this Protocol shall replace Annex XIII (Covered Entities) and Annex XIV (General Notes) in its entirety.

Article XXII: Incorporation of Chapter *Vbis* (Small and Medium-Sized Enterprises)

The text set out in Annex 22 to this Protocol shall be incorporated into the Agreement as new Chapter *Vbis* (Small and Medium-Sized Enterprises).

Article XXIII: Incorporation of Chapter *Vter* (Digital Trade)

The text set out in Annex 23 to this Protocol shall be incorporated into the Agreement as new Chapter *Vter* (Digital Trade).

Article XXIV: Incorporation of Chapter *Vquater* (Trade and Sustainable Development)

The text set out in Annex 24 to this Protocol shall be incorporated into the Agreement as new Chapter *Vquater* (Trade and Sustainable Development).

Article XXV: Amendments to Chapter VI (Competition Policy)

- (a) Articles 72 (Objectives) through 80 (Definitions) shall be renumbered as Articles 148 (Objectives) through 156 (Definitions).
- (b) The reference to “Articles 73, 74 and 75” in Article 155 (Designated Authorities) shall be replaced by “Articles 149, 150 and 151”.

Article XXVI: Amendments to Chapter VII (Subsidies)

Article 81 (Subsidies/State aid) shall be renumbered as Article 157 (Subsidies/State aid).

Article XXVII: Amendments to Chapter VIII (Transparency)

Articles 82 (Publication) through 84 (Cooperation on increased transparency) shall be renumbered as Articles 158 (Publication) through 160 (Cooperation on increased transparency).

Article XXVIII: Amendments to Chapter IX (Administration of the Agreement)

Article 85 (The Joint Committee) and Article 86 (The Secretariat) shall be renumbered as Article 161 (The Joint Committee) and Article 162 (The Secretariat), respectively.

Article XXIX: Amendments to Chapter X (Dispute Settlement)

- (a) Articles 87 (Scope) through 97 (Other provisions) shall be renumbered as Articles 163 (Scope) through 173 (Other provisions).
- (b) The reference to “Articles 14(2), 16(1), 17(1), 18(3), 20, 24(1) and 81(1) and (2) in paragraph 3 of Article 163 (Scope) shall be replaced by “Articles 12, 14(1), 15(1), 17(3), 18(1), 28(1) and 157(1) and (2)”.
- (c) The reference to “Article 91” in paragraph 2 of Article 164 (Choice of forum) shall be replaced by “Article 167”.
- (d) The reference to “Article 91” in paragraph 2 of Article 168 (Arbitration panel) shall be replaced by “Article 167”.
- (e) The reference to “Article 91” in paragraph 2 of Article 169 (Procedures of the arbitration panel) shall be replaced by “Article 167”.
- (f) The reference to “Article 93(3)” in paragraph 2 of Article 170 (Ruling) shall be replaced by “Article 169(3)”.
- (g) The reference to “Article 94” in paragraph 1 of Article 172 (Implementation of arbitration panel rulings) shall be replaced by “Article 170”.

Article XXX: Amendments to Chapter XI (General Exceptions)

- (a) Articles 98 (Balance of payments difficulties) through 100 (Taxation) shall be renumbered as Articles 174 (Balance of payments difficulties) through 176 (Taxation).
- (b) Article 176 (Taxation) shall be amended by:
 - (i) The reference to “Article 15” shall be replaced by “Article 13”.
 - (ii) The reference to subparagraph 1 (b) shall be replaced by the following text: “(b) with regard to taxation measures applicable in Sections I and II of Chapter III and Chapter V^{ter} (Digital Trade), where Article XIV of the GATS applies, *mutatis mutandis*.”.

Article XXXI: Amendments to Chapter XII (Final Provisions) and termination of complementary agreements on trade in agricultural goods

- (a) Articles 101 (Definitions) through 106 (Entry into Force) shall be renumbered as Articles 177 (Definitions) through 182 (Entry into Force).
- (b) The text set out in Annex 25 to this Protocol shall replace Article 179 (Amendments) in its entirety.
- (c) Former Article 107 (Relation to the complimentary agreements) shall be deleted.
- (d) The Complementary Agreement on trade in agricultural goods between the Republic of Chile and the Republic of Iceland, the Complementary Agreement on trade in agricultural goods between the Republic of Chile and the Kingdom of Norway and the Complementary Agreement on trade in agricultural goods between the Republic of Chile and the Swiss Confederation, all signed on 26 June 2003, shall be terminated and replaced by the Agreement as amended by this Protocol.
- (e) Article 108 (Depositary) shall be renumbered as Article 183 (Depositary).

Article XXXII: Amendments to Annex XV (Decisions of the Joint Committee)

The text set out in Annex 26 to this Protocol shall replace Annex XV (Decisions of the Joint Committee) of the Agreement in its entirety.

Article XXXIII: Amendments to Annex XVI (Secretariat)

The reference to “Article 86” in Annex XVI (Secretariat) shall be replaced by “Article 162”.

Article XXXIV: Amendments to Annex XVII (Model Rules of Procedure for the Conduct of Arbitration Panels)

- (a) The references to “Article 93” and “Article 93(1)” in the headings of Annex XVII shall be replaced by “Article 169” and “Article 169(1)”, respectively.
- (b) The reference to “Article 91” in rule 1(1) shall be replaced by “Article 167”.
- (c) The reference to “Article 92” in rule 1(1) shall be replaced by “Article 168”.
- (d) The reference to “Article 91(1) in rule 37 shall be replaced by “Article 167(1)”.

- (e) The references to “Article 96(4)(5)(8) and (10) in rule 47 shall be replaced by “Article 172(4)(5)(8) and (10)”.
- (f) The reference to “Article 96” in rule 48 shall be replaced by “Article 172”.

Article XXXV: Entry into Force

1. This Protocol is subject to ratification, acceptance, or approval. The instruments of ratification, acceptance or approval shall be deposited with the Depositary of the Agreement.
2. This Protocol shall enter into force in relation to Chile and at least one EFTA State on the first day of the third month following the date on which Chile and that EFTA State have deposited their instrument of ratification, acceptance or approval with the Depositary.
3. In relation to an EFTA State depositing its instrument of ratification, acceptance or approval after the date on which this Protocol enters into force pursuant to paragraph 2, this Protocol shall enter into force on the first day of the third month following the deposit of its instrument of ratification, acceptance or approval with the Depositary.
4. A Party may apply this Protocol provisionally, subject to its applicable legal requirements. Provisional application of this Protocol under this paragraph shall be notified to the Depositary.
5. The Secretary-General of the European Free Trade Association shall deposit the text of this Protocol with the Depositary, who shall transmit certified copies to Chile and the EFTA States.

IN WITNESS WHEREOF, the undersigned, being duly authorised thereto, have signed this Protocol.

Done at Geneva, this 24th day of June 2024, in one original in English.

For Iceland

For the Republic of Chile

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For the Principality of Liechtenstein

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For the Kingdom of Norway

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For the Swiss Confederation

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