

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

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

a) The effect of the commercial presence on economic activity, including the effect on employment, on the use of parts, components and services produced in Chile and on exports of services;

b) The effect of the commercial presence on productivity, industrial efficiency, technological development and product innovation in Chile;

c) The effect of commercial presence on competition in the sector and other sectors, on consumer protection, on the smooth functioning, integrity and stability of the market, and on the national interest;

d) The contribution of the commercial presence to Chile's integration into world markets.

This schedule applies only to the following types of commercial presence for foreign investors: corporations, open or closed, private-limited companies, and subsidiaries (which under Chilean legislation are the equivalent of agencies of corporations).

4) Unbound, except for transfers of natural persons within a foreign enterprise established in Chile, in accordance with 3) commercial presence, of senior and specialized personnel who have been in the employ of the organization for a period

3) Foreign investors may transfer abroad their capital following the elapse of three years from the date of entry.

Real estate acquisitions and the performance of other legal acts in frontier zones must comply with the provisions of the relevant legislation, which is unbound for the purposes of this Schedule. The frontier zone is defined as land situated within a distance of 10 km measured from the frontier and 5 km from the coast and Arica province.

As regards services that fall under the heading "professional services" at least 85% of the staff employed by a supplier of services established in Chile must be Chilean.

As regards all other services listed in this Schedule, at least 85% of the staff employed by a supplier of services established in Chile must be Chilean, except in the case of enterprises with fewer than 15 employees.

4) Unbound, except for the categories of natural persons listed under market access.

of at least two years immediately preceding the date of their application for admission performing the same type of duties in the parent company of their country of origin. In any case, in accordance with 3) commercial presence, foreign natural persons may not make up more than 15% of the total staff employed in Chile.

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

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

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

- direct the management of the organization or one of its departments or subdivisions;
- supervise and control the work of other supervisory, professional or managerial employees;
- are personally authorized to hire and fire or recommend hiring and firing or other personnel actions.

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

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

Providers of services are admitted

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