

## FINAL ACT

The representatives of

THE KINGDOM OF BELGIUM,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

IRELAND,

THE ITALIAN REPUBLIC,

THE GRAND DUCHY OF LUXEMBOURG,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE PORTUGUESE REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

Contracting Parties to the Treaty establishing the European Community and the Treaty on European Union, hereinafter referred to as the "Member States", and

THE EUROPEAN COMMUNITY, hereinafter referred to as "the Community",

of the one part, and

THE REPUBLIC OF CHILE, hereinafter referred to as "Chile",

of the other part,

meeting at Brussels on 18/11/2002 for the signature of the Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part, have at the time of signature of the Agreement:

- adopted the following Annexes and the following Joint Declarations:
  
- ANNEX I            COMMUNITY'S TARIFF ELIMINATION SCHEDULE  
(Referred to in Articles 60, 65, 68 and 71)
  
- ANNEX II           CHILE'S TARIFF ELIMINATION SCHEDULE  
(Referred to in Articles 60, 66, 69 and 72)
  
- ANNEX III          DEFINITION OF THE CONCEPT OF ORIGINATING PRODUCTS  
AND METHODS OF ADMINISTRATIVE COOPERATION  
(Referred to in Article 58)

- ANNEX IV      AGREEMENT ON SANITARY AND PHYTOSANITARY MEASURES APPLICABLE TO TRADE IN ANIMALS AND ANIMAL PRODUCTS, PLANTS, PLANT PRODUCTS AND OTHER GOODS AND ANIMAL WELFARE  
(Referred to in Article 89)
  
- ANNEX V      AGREEMENT ON TRADE IN WINES  
(Referred to in Article 90)
  
- ANNEX VI      AGREEMENT ON TRADE IN SPIRIT DRINKS AND AROMATISED DRINKS  
(Referred to in Article 90)
  
- ANNEX VII     SCHEDULE OF SPECIFIC COMMITMENTS ON SERVICES  
(Referred to in Article 99)
  
- ANNEX VIII    SCHEDULE OF SPECIFIC COMMITMENTS ON FINANCIAL SERVICES  
(Referred to in Article 120)
  
- ANNEX IX      AUTHORITIES RESPONSIBLE FOR FINANCIAL SERVICES  
(Referred to in Article 127)
  
- ANNEX X      SCHEDULE OF SPECIFIC COMMITMENTS ON ESTABLISHMENT  
(Referred to in Article 132)

- ANNEX XI COMMUNITY'S COVERAGE ON GOVERNMENT PROCUREMENT  
(Referred to in Article 137)
- ANNEX XII CHILE'S COVERAGE ON GOVERNMENT PROCUREMENT  
(Referred to in Article 137)
- ANNEX XIII GOVERNMENT PROCUREMENT  
IMPLEMENTATION OF CERTAIN PROVISIONS OF PART IV,  
TITLE IV
- ANNEX XIV REGARDING CURRENT PAYMENTS AND CAPITAL  
MOVEMENT  
(Regarding Article 164 and 165)
- ANNEX XV MODEL RULES OF PROCEDURE FOR THE CONDUCT OF  
ARBITRATION PANELS  
(Referred to in Article 189)
- ANNEX XVI CODE OF CONDUCT FOR MEMBERS OF ARBITRATION  
PANELS  
(Referred to in Articles 185 and 189)
- ANNEX XVII IMPLEMENTATION OF CERTAIN DECISIONS OF PART IV  
(Referred to in Article 193(4))

## JOINT DECLARATIONS

### JOINT DECLARATION REGARDING ARTICLE 46

Details for the application of the principles agreed upon in Article 46 will be part of the agreements referred to in Article 46(3) and (4).

### JOINT DECLARATION CONCERNING ARTICLE 1 OF ANNEX III

The Parties recognise the important role of the authorities appointed to carry out the duties related to origin certification and verification as specified in Annex III, Titles V and VI and as defined in Article 1(m).

Accordingly, and should the need arise to appoint another governmental authority, the Parties agree to start formal consultation as soon as possible with a view to guaranteeing that the successor authority is in the position to perform efficiently all obligations laid down in that Annex.

JOINT DECLARATION  
CONCERNING ARTICLE 4 OF ANNEX III

The Parties declare that the provisions of Annex III, and in particular those of Article 4, are without prejudice of the rights and obligations of both Parties under the United Nations Convention on the Law of the Sea (the "UNCLOS").

The Parties, as signatories of the UNCLOS, explicitly recall their recognition and acceptance of the sovereign rights of the coastal State for the purpose of exploring and exploiting, conserving and managing the natural resources of the economic exclusive zone, as well as its jurisdiction and other rights over this zone, as provided for in Article 56 of the UNCLOS and other relevant provisions of that Convention.

JOINT DECLARATION  
CONCERNING ARTICLE 6 OF ANNEX III

The Parties agree to refer to the procedure laid down in Annex III, Article 38, with the view to re-examining, should the need arise, the list of operations considered as insufficient working or processing to confer the status of originating products referred to in Article 6(1) of that Annex.

JOINT DECLARATION  
CONCERNING ARTICLES 16 AND 20 OF ANNEX III

The Parties agree to examine the opportunity to introduce other means of certification of the originating status of products, as well as the opportunity to make use of the electronic transmission of proofs of origin. When reference is made to manuscript signature, the Parties agree to consider the opportunity to introduce forms of signature other than manuscript.

JOINT DECLARATION  
CONCERNING THE PRINCIPALITY OF ANDORRA

1. Products originating in the Principality of Andorra falling within Chapters 25 to 97 of the Harmonised System shall be accepted by Chile as originating in the Community within the meaning of Part IV, Title II, of this Agreement.
2. Annex III shall apply mutatis mutandis for the purpose of defining the originating status of the abovementioned products.

JOINT DECLARATION  
CONCERNING THE REPUBLIC OF SAN MARINO

1. Products originating in the Republic of San Marino shall be accepted by Chile as originating in the Community within the meaning of Part IV, Title II, of this Agreement.
2. Annex III shall apply mutatis mutandis for the purpose of defining the originating status of the abovementioned products.



JOINT DECLARATION  
RELATED TO THE OENOLOGICAL PRACTICES

The Parties recognise that good oenological practices, as referred to in Article 19 of Annex V (Agreement on Trade in Wines), are the aggregate of processes, treatments and techniques for the production of wine, authorised by the legislation of each Party, whose aim is to improve the quality of the wine, without losing its essential nature, and which keeps the authenticity of the product and safeguards the main characteristics of the grape harvest that gives them their typical features.

JOINT DECLARATION  
RELATED TO REQUIREMENTS IN RELATION TO THE OENOLOGICAL PRACTICES  
AND PROCESSES INCLUDED IN ANNEX V, APPENDIX V,  
AT THE DATE OF ENTRY INTO FORCE OF THIS AGREEMENT

The Parties agree that, without prejudice to Article 26 of Annex V (Agreement on Trade in Wines), the oenological practices and processes included in Appendix V of that Annex at the date of the entry into force of this Agreement meet the requirements set out in Article 19 of that Annex.

JOINT DECLARATION  
RELATED TO ARTICLE 24.1 OF THE TRIPS

The Parties agree that the provisions of Annex V (Agreement on Trade in Wines), Title I, fulfil their respective obligations under Article 24.1 of the TRIPS as far as the individual terms referred to in Appendices I and II are concerned.

JOINT DECLARATION  
ON THE SUBSTITUTE NAME FOR "CHAMPAGNE" OR "CHAMPAÑA"

The Parties agree that they have no objections to the use of the following names as a substitute for "Champagne" or "Champaña":

- Espumoso,
- Vino Espumoso,
- Espumante,
- Vino Espumante,
- Sparkling Wine,
- Vin Mousseux.

JOINT DECLARATION  
REGARDING ARTICLE 8(5)(C) OF ANNEX V

The Parties note that Chile has accepted the words "geographical indication" in Article 8(5)(c) of Annex V (Agreement on Trade in Wine) at the Community's request. The Parties accept that this is without prejudice to Chile's obligations under the WTO Agreement, as interpreted by the panels established by the WTO Dispute Settlement Body and by the WTO Appellate Body.

JOINT DECLARATION  
REGARDING ARTICLES 10 AND 11 OF ANNEX V

The Parties note the references in Articles 10 and 11 of Annex V (Agreement on Trade in Wines) to the Chilean trademark register as established on 10 June 2002. They agree that should an error be discovered in that a trademark has not been identified in that register as established on 10 June 2002 and that trademark is also identical to, similar to or contains a traditional expression listed in Appendix III of that Annex, then the Parties will work together in order to ensure that such a trademark is not used to describe or present wine of the category or categories for which that traditional expressions are listed in that Appendix.

JOINT DECLARATION  
ON PARTICULAR TRADEMARKS

The Chilean trademark "Toro", included in Annex V, Appendix VI, shall be cancelled for wine.

The Chilean trademark listed in Annex V, Appendix VII, shall be cancelled for the wine categories for which it is listed in Annex V, Appendix III, list B.

JOINT DECLARATION  
RELATED TO ARTICLE 24.1 OF THE WTO TRIPS AGREEMENT

The Parties agree that the provisions of Annex VI, Title I, fulfil their respective obligations under Article 24.1 of the WTO TRIPS Agreement as far as the individual terms referred to in Appendix I of that Annex are concerned.

JOINT DECLARATION  
ON PISCO

The Community will recognise the denomination of origin Pisco for the exclusive use of products originating in Chile. This shall in no way prejudice the rights that the Community may recognise in addition to Chile, exclusively to Peru.

JOINT DECLARATION  
CONCERNING FINANCIAL RESPONSIBILITY

The Parties agree to work within the framework of this Agreement on the establishment of provisions regarding the issue of financial responsibility for unrecovered, reimbursed or remitted import duties following administrative errors.

JOINT DECLARATION  
CONCERNING GUIDELINES TO INVESTORS

The Parties remind their multinational enterprises of their recommendation to observe the OECD Guidelines for Multinational Enterprises, wherever they operate.

JOINT DECLARATION  
CONCERNING ARTICLE 189(3)

The Parties commit themselves to agree on opening the panel proceeding to the public if and when that principle is applied in the WTO.

JOINT DECLARATION  
REGARDING ARTICLE 196

The Parties agree that Article 196 includes the tax exception referred to in Article XIV GATS and its footnotes;

- taken note of the following Declarations:

#### DECLARATIONS BY THE COMMUNITY

##### DECLARATION CONCERNING ARTICLE 13 ON POLITICAL DIALOGUE

The President of the Commission as well as the High Representative of the European Union should also participate in the regular meetings between the Heads of State and Government.

##### DECLARATION

The provisions of this Agreement that fall within the scope of Part III, Title IV, of the Treaty establishing the European Community bind the United Kingdom and Ireland as separate Contracting Parties, and not as part of the European Community, until the United Kingdom or Ireland (as the case may be) notifies Chile that it has become bound as part of the European Community in accordance with the Protocol on the position of the United Kingdom and Ireland annexed to the Treaty on European Union and the Treaty establishing the European Community. The same applies to Denmark, in accordance with the Protocol annexed to those Treaties on the position of Denmark.

DECLARATION  
REGARDING TURKEY

The Community recalls that according to the Customs Union in force between the Community and Turkey, this country has the obligation, in relation to countries which are not members of the Community, to align itself on the Common Customs Tariff and, progressively, with the preferential customs regime of the Community, taking the necessary measures and negotiating agreements on mutually advantageous basis with the countries concerned. Consequently, the Community invites Chile to enter into negotiations with Turkey as soon as possible.

DECLARATION  
REGARDING THE USE OF THE NAMES OF THE VINE VARIETIES  
AUTHORISED IN CHILE

The Community agrees to modify Annex IV of its Regulation (CEE) No 3201/90 within three months as of the entry into force of this Agreement, in order to change the names of the vine varieties of point 7 "Chile", for the following names that are presently authorised in Chile:

Names of vine varieties authorised in Chile

Name	Synonym
White varieties	
Chardonnay	Pinot Chardonnay
Chenin blanc	Chenin
Gewurztraminer	
Marsanne	
Moscatel de Alejandría	Blanca Italia
Moscatel rosada	
Pedro Jiménez	Pedro Ximenez

Pinot blanc	Pinot blanco, Burgunder Weisser
Pinot gris	
Riesling	
Roussanne	
Sauvignon blanc	Blanc Fumé, Fumé
Sauvignon gris	Sauvignon rose
Sauvignon vert	
Semillón	
Torontel	
Viognier	

## Red varieties

Cabernet franc	Cabernet franco
Cabernet sauvignon	Cabernet
Carignan	Carignane, Cariñena
Carmenère	Grande Vidure
Cot	Cot rouge, Malbec, Malbek, Malbeck
Merlot	
Mourvedre	Monastrell, Mataro
Nebbiolo	
Pais	Mission, Criolla
Petit verdot	
Petite Syrah	Durif
Pinot noir	Pinot negro
Portugais bleu	
Sangiovese	Nielluccio
Syrah	Sirah, Shiraz
Tempranillo	
Verdot	
Zinfandel	



DECLARATION  
REGARDING THE RECOGNITION OF WINE  
WITH APPELLATION OF ORIGIN OF CHILE

The Community agrees to recognise the wines from Chile with appellation of origin as wines "VCPRD".

## DECLARATIONS BY CHILE

### DECLARATION CONCERNING CUSTOMARY TERMS

Chile shall amend its internal legislation in respect of any of the terms listed in Annex V (Agreement on Trade in Wines), Appendix I, as may be necessary so as no longer to assert that they are terms customary in common language as the common name for certain wines in Chile, as foreseen in Article 24.6 of the WTO TRIPS Agreement.

### DECLARATION RELATED TO GENERICS

The Government of Chile has the intention to review its legislation in conformity with Annex V (Agreement on Trade in Wines), regarding the regulation of the common use of the terms protected under that Annex.

### DECLARATION RELATED TO ENFORCEMENT

The Government of Chile, acting within its jurisdiction, in conformity with the Chilean constitutional and legal system and in order to achieve the objectives agreed between the Parties, shall adopt all the necessary measures so as to fully comply with the provisions contained in Title I of Annex V (Agreement on Trade in Wines).

DECLARATION  
RELATED TO CUSTOMARY TERMS

Chile shall amend its internal legislation in respect of any of the terms listed in Appendix I of Annex VI (Agreement on Trade in Spirits Drinks and Aromatised Drinks), as may be necessary so as no longer to assert that they are terms customary in common language as the common name for certain spirits drinks and aromatised drinks in its territory, as foreseen in Article 24.6 of the WTO TRIPS Agreement.

DECLARATION  
RELATED TO GENERICS

The Government of Chile has the intention to review its legislation in conformity with Annex VI (Agreement on Trade in Spirits drinks and Aromatised Drinks) regarding the regulation of the common use of the terms protected under that Annex.

DECLARATION  
RELATED TO ENFORCEMENT

The Government of Chile, acting within its jurisdiction, in conformity with the Chilean constitutional and legal system and in order to achieve the objectives agreed between the Parties, shall adopt all the necessary measures so as to fully comply with the provisions contained in Title I of Annex VI (Agreement on Trade in Spirits Drinks and Aromatised Drinks).

DECLARATION  
CONCERNING FISH

Chile declares that it will apply the provisions of the Protocol on Fishing Enterprises as from the date on which the Community will start applying the Tariff Elimination Schedule for fish and fisheries products referred to in Part IV, Title II.