

Agreement to amend, in respect of investment and trade and gender, the Free Trade Agreement between the Government of Canada and the Government of the Republic of Chile, done at Santiago on 5 December 1996

As amended, between the Government of Canada and the Government of the Republic of Chile

The Government of Canada and the Government of the Republic of Chile,

Being parties to the Free Trade Agreement between the Government of Canada and the Government of the Republic of Chile, done at Santiago on 5 December 1996, as amended by the:

- First Additional Protocol to the Free Trade Agreement between the Government of Canada and the Government of the Republic of Chile, done at Toronto on 4 November 1999,
- Second Additional Protocol to the Free Trade Agreement between the Government of Canada and the Government of the Republic of Chile, done at Ottawa on 25 October 2001,
- Third Additional Protocol to the Free Trade Agreement between the Government of Canada and the Government of the Republic of Chile, done at Santiago on 8 November 2004,
- Exchange of Letters between the Government of Canada and the Government of the Republic of Chile rectifying Annex C-00-B, Annex D-01 and Annex D-03.1 and the Uniform Regulations for Chapter D of the Free Trade Agreement between the Government of Canada and the Government of the Republic of Chile, done at Santiago on 5 December 1996, done at Ottawa on 9 November 2004 and at Santiago on 25 November 2004,
- Agreement between the Government of Canada and the Government of the Republic of Chile to amend the Free Trade Agreement between the Government of Canada and the Government of the Republic of Chile, done at Hanoi on 15 November 2006, and
- Agreement to amend the Free Trade Agreement between the Government of Canada and the Government of the Republic of Chile, done at Santiago on 5 December 1996, as

amended, between the Government of Canada and the Government of the Republic of Chile, done at Santiago on 16 April 2012; and

Desiring to further amend the Free Trade Agreement between the Government of Canada and the Government of the Republic of Chile (CCFTA) under Article P-02;

Have agreed as follows:

Article I: Amendments to Chapter G (Investment)

The CCFTA is amended by replacing the text of Chapter G (Investment) with the text set forth in Appendix I to this Agreement.

Article II: Amendments Consequential to the Amendments to Chapter G (Investment)

1. The Notes to the CCFTA is amended by adding the following text after note 1 under the heading Chapter G and renumbering note 2 as note 4:

“2. For greater certainty, whether treatment is accorded in “like circumstances” under Article G-02 (National Treatment) or Article G-03 (Most-Favoured-Nation Treatment) depends on the totality of the circumstances, including whether the relevant treatment distinguishes between investors or investments on the basis of legitimate public policy objectives.

3. Article G-05 (Minimum Standard of Treatment) shall be interpreted in accordance with Annex G-05 (Customary International Law).”

2. The Notes to the CCFTA is amended by adding the following text after note 4 (as it is after the renumbering in paragraph 1) under the heading Chapter G:

“5. Article G-10 (Expropriation and Compensation) shall be interpreted in accordance with Annex G-10 (Expropriation).”

3. In Article O-03(6) (Taxation) of the CCFTA the text that reads: “at the time that it gives notice under Article G-20 (Notice of Intent to Submit a Claim to Arbitration)” is replaced with the following text:

“at the time that it submits a request under Article G-19 (Request for Consultations)”.

Article III: Addition of Chapter N *bis* (Trade and Gender)

The CCFTA is amended by adding a Part Four *bis* (Trade and Gender) to the CCFTA and adding to this new Part Four *bis* the Trade and Gender Chapter, titled “Chapter N *bis* (Trade and Gender)”, set forth in Appendix II to this Agreement.

Article IV: Amendments to Chapter N (Institutional Arrangements and Dispute Settlement Procedures)

The list of committees under heading “A. Committees” in Annex N-01.2 (Committees and Working Groups) of the CCFTA is amended by adding after “6. Financial Services Committee (Article H *bis*-15)” the following:

“7. Committee on Sanitary and Phytosanitary Measures (Article C *bis*-04)

8. Committee on Technical Barriers to Trade (Article C *ter*-08)

9. Committee on Trade and Gender (Article N *bis*-04)”

Article V: Amendments to the Table of Contents

The Table of Contents of the CCFTA is amended by adding immediately after “Chapter N: Institutional Arrangements and Dispute Settlement Procedures” the following:

“Part four *bis* Trade and Gender – Chapter N *bis* Trade and Gender”

Article VI: Termination

1. This Agreement shall remain in force unless terminated by either Party on six months’ written notice to the other Party.

2. This Agreement shall be terminated by the termination of the CCFTA. If the CCFTA is terminated, this Agreement shall terminate on the date of termination of the CCFTA.

Article VII: Entry into Force

This Agreement shall enter into force sixty (60) days after the date of the last notification by which each Party notifies the other that it has completed its domestic procedures necessary for this Agreement to enter into force.

In witness whereof, the undersigned, being duly authorized thereto, have signed this Agreement.