

NORMATIVE FRAMEWORK AND PROCEDURE FOR THE PREPARATION
AND ADOPTION OF SANITARY AND PHYTOSANITARY MEASURES

Submission by Chile to the Meeting of 15-16 November 1995

I. INTRODUCTION

This document sets out the general features of the normative framework for sanitary and phytosanitary measures in Chile, with a summary description of the process of elaboration and adoption of sanitary and phytosanitary measures in the country.

II. PREPARATION OF SANITARY AND PHYTOSANITARY REGULATIONS

The Executive and the Legislative Branches may put forward draft laws or amendments to the existing legislation; all laws must be approved by the Congress and transmitted to the President for enactment and publication in the country's Official Journal.

In Chile, the formulation of technical regulations and issuance of Resolutions is governed by various laws, under which the public services are given powers and procedures are established to ensure that the above-mentioned technical Regulations and Resolutions are designed to provide sanitary and phytosanitary protection.

In operational terms, Chilean sanitary and phytosanitary regulations are established through the formulation of reasoned Resolutions issued by the competent public services in accordance with their powers under the existing legislation.

Before a Resolution is issued, a technical, legal and administrative analysis is carried out, and where necessary information meetings are held with the sector involved before the Resolution is issued. Resolutions are published in the Official Journal.

III. CHILEAN NORMATIVE FRAMEWORK

Three entities have powers with respect to sanitary and phytosanitary measures.

- (a) The Ministry of Agriculture, through the Agriculture and Livestock Service, is responsible for administering regulations concerning:
- animal health and plant health measures applied to imports and exports of animals and plants and their products;
 - animal and plant health measures designed to reduce the risk of entry, establishment or spread of plant pests and diseases, animal diseases and their vectors.

(b) The Ministry of Health, through the Environmental Programme Department, is responsible for administering regulations concerning:

- sanitary measures to protect human health applied to imported and locally-produced foodstuffs as well as food consumed in the country;
- sanitary measures designed to avoid or reduce the risk of entry, establishment or spread of epidemics and/or vectors of human diseases;

(c) The Ministry of the Economy, Development and Reconstruction, through the National Fisheries Service, is responsible for administering regulations concerning:

- sanitary measures in the fisheries sector applied to imports and exports of hydrobiological resources;
- measures designed to reduce the risk of entry, establishment or spread of pests or diseases and their vectors for hydrobiological resources.

IV. SYSTEM OF SANITARY PROTECTION, DIAGNOSIS AND SURVEILLANCE IN AGRICULTURE, FORESTRY AND FISHERIES OF CHILE

The system used by Chile to protect the health of the agriculture, forestry and fisheries sector comprises the following main elements:

- determination of the necessary sanitary and phytosanitary measures;
- evaluation of compliance with sanitary and phytosanitary requirements by exporting countries;
- inspection, testing and/or analysis of products on entering Chile to check compliance with the measures, including a period of post-entry quarantine where appropriate;
- a surveillance system to monitor the sanitary situation in Chile and detect the entry of new pests and diseases in good time;
- response systems and strategies to eradicate or control new pests and diseases.

V. DETERMINATION OF SANITARY AND PHYTOSANITARY MEASURES APPLICABLE TO THE ENTRY OF ANIMALS AND PLANTS AND THEIR PRODUCTS

The country seeks to achieve the fullest possible harmonization with international sanitary and phytosanitary standards, following their guidelines in a manner compatible with the country's sanitary and phytosanitary protection.

The process begins with the import application, followed by the request for information in order to carry out a risk analysis taking account of the place of origin and the product, so as to lay down the entry conditions. When agricultural and forestry products reach the country, they are allowed to enter following inspection, verification of compliance with requirements and a check of the sanitary certification issued by the exporting country in conformity with the relevant standards of international scientific organizations.

In the case of plant and animal health matters, the Agriculture and Livestock Service of the Ministry of Agriculture is responsible.

In matters relating to human health, the Environmental Programme Department of the Ministry of Health is responsible.

In the case of hydrobiological resources, the National Fisheries Service of the Ministry of the Economy is responsible.

The above-mentioned entities are responsible for carrying out the risk analysis in the areas for which they are responsible.

VI. SANITARY AND PHYTOSANITARY CERTIFICATION

In order to guarantee the healthiness of exported products, the competent bodies certify their state in accordance with the guidelines for certification laid down by:

- the Secretariat of the FAO International Plant Protection Convention relating to plant health, certification being carried out by the Agriculture and Livestock Service;
- animal health certification in accordance with the Office International des Epizooties, this certification being carried out by the Agriculture and Livestock Service, and by the National Fisheries Service in the case of hydrobiological products;
- certification of food safety for human health in accordance with the provisions of the Codex Alimentarius, the responsible entity being the Ministry of Health, which is responsible for authorizing food production establishments to operate in Chile.

VII. PLANT AND ANIMAL HEALTH INFORMATION

The Agriculture and Livestock Service supplies information to the corresponding international organizations on the plant and animal health situation in the country.

Any important change is communicated by the procedures established by FAO for plant health and OIE for animal health.

At the same time, if any problem arises concerning the appearance of important pests and/or diseases, the relevant information is sent not only to the above-mentioned international scientific organizations but also to Chile's trading partners.

In the case of recognition of pest-free or disease-free countries or areas, Chile complies with the requirements laid down by the importing country for verifying such conditions.

Hence, the corresponding information is provided, questionnaires are answered and inspection visits take place in the country, these being some of the main procedures to reassure importing countries as to the sanitary situation in Chile.

VIII. MEASURES TO ENSURE FOOD SAFETY

The Ministry of Health is responsible for setting tolerance levels and checking residues of agrochemical products in foodstuffs consumed in the country, whether locally produced or imported. For this purpose it basically uses the standards laid down in the Codex Alimentarius, and inspects foods

for the possible presence of illegal contaminants, veterinary pharmaceutical products, agrochemical residues, microbiological pathogens and food additives and colouring agents.

The Agriculture and Livestock Service of the Ministry of Agriculture supplements this action through the following Regulations:

- In the case of agrochemicals, the Agriculture and Livestock Service establishes the standards for the manufacture, marketing and use of agricultural pesticides and may for technical or sanitary reasons regulate, restrict or prohibit the manufacture, import, distribution, sale and use of agricultural pesticides. Under the existing provisions, products must be entered in the Register of Pesticides kept by the Agriculture and Livestock Service. In the case of household pesticides, the Ministry of Health is responsible for authorization and registration.
- In the case of pharmaceutical products and hormones the Agriculture and Livestock Service establishes rules and standards, and there are prohibitions on the use of specific products.

IX. RELATIONSHIP WITH THE WTO COMMITTEE ON SANITARY AND PHYTOSANITARY MEASURES

(a) Enquiry point

The Agriculture and Livestock Service of the Ministry of Agriculture is the contact point for information on sanitary and phytosanitary matters set up under the WTO Agreement on Sanitary and Phytosanitary Measures.

Address: Avenida Bulnes 140, Santiago, Chile
Telephone: 562 671 2323 - 562 672 3635
Fax: 562 672 1812 - 562 671 7419

(b) Official notification service

The Agriculture and Livestock Service is also the officially designated entity for communicating notifications of sanitary and phytosanitary standards in the manner established to the WTO Committee on Sanitary and Phytosanitary Measures.