



26 August 2013

(13-4557)

Page: 1/1

Committee on Technical Barriers to Trade

Original: Spanish

**CHILE – DRAFT TECHNICAL REGULATION RELATING TO THE FOOD HEALTH
REGULATIONS, SUPREME DECREE NO. 977/96**

**STATEMENT BY MEXICO AT THE MEETING OF THE COMMITTEE ON
TECHNICAL BARRIERS TO TRADE OF 17, 18 AND 19 JUNE 2013**

The following communication, dated 1 July 2013, is being circulated at the request of the delegation of Mexico.

1. First of all, we would like to thank Chile for agreeing to hold a bilateral meeting and for the frank discussions we have had with them. Nevertheless, Mexico has no alternative but to reiterate its specific trade concern regarding the possible implications of Law 20.606 on the Nutrient Composition of Food and its Advertising and the legal instruments for its implementation, which were notified to WTO Members in documents G/TBT/N/CHL/219, G/TBT/N/CHL/219/Add.1 and G/TBT/N/CHL/221.

2. As stated in the previous session of the Committee in March 2013 and set forth in document G/TBT/W/361, Mexico considers that Chile has violated basic WTO principles relating to the preparation of technical regulations, such as transparency, proportionality, scientific basis and conformity with international standards. We also believe that these measures may constitute violations of the Agreement on Trade-Related Aspects of Intellectual Property Rights.

3. Mexico once again asks Chile to:

- a. Meet its specific obligations under Article 2.9 of the TBT Agreement and take into account the comments submitted by the Mexican Government, as well as to hold discussions among the relevant authorities.
 - b. Comply with the TBT Agreement and its provisions that trade should not be restricted more than is necessary, by promoting public policies that help the population to obtain accurate information on food nutrients, so that they can make food choices based on their particular needs.
 - c. Remove the definition of "critical nutrient" from the regulations in order to harmonize the terms with those used internationally. In that respect, we request that the regulation be reviewed with regard to content per serving, labelling, warnings and advertising.
 - d. Consider other public policy instruments that could be less trade restrictive, such as launching outreach campaigns to encourage the population to eat healthily and promoting physical activity programmes.
 - e. Uphold and comply with the international commitments undertaken in the WTO.
 - f. Clearly explain how the conformity of the regulations in question will be assessed, as no such procedure is specified in any of them.
 - g. Respond or at least provide an official date for responding to the comments submitted formally by Mexico.
-