

3 March 2020

(20-1597)

Page: 1/2

Committee on Technical Barriers to Trade

Original: Spanish

CHILE – PUBLIC CONSULTATION FOR DRAFT LEGISLATION SETTING OUT RULES ON THE PREPARATION, DESCRIPTION AND LABELLING OF MILK PRODUCTS OR PRODUCTS DERIVING FROM MILK

STATEMENT BY CHILE TO THE COMMITTEE ON TECHNICAL BARRIERS TO TRADE
26 AND 27 FEBRUARY 2020

The following communication, dated 2 March 2020, is being circulated at the request of the delegation of Chile.

1. I am going to expand on the content of document [G/TBT/W/698](#), which is the response given to the concerns raised by the United States and New Zealand at the last meeting of the TBT Committee in November 2019 in document [G/TBT/M/79](#) (Minutes of the meeting of 12-15 November 2019).
2. On 26 September 2019, the text of the draft Law setting out rules on the preparation, description and labelling of milk products or products deriving from milk, which was approved by the Congress of Chile, was notified to the WTO in document [G/TBT/N/CHL/500](#), in compliance with the transparency obligations established in the WTO's TBT Agreement. Moreover, the original content of the draft parliamentary initiatives (from both the Chamber of Deputies and the Senate) was notified to the WTO in documents [G/TBT/N/CHL/442](#) and [G/TBT/N/CHL/458](#) on 24 May 2018 and 3 September 2018, respectively. The text was notified at an early appropriate stage, in accordance with Article 2.9 of the TBT Agreement, and culminated in the publication on 2 November 2019 of Law No. 21.179 setting out rules on the preparation, description and labelling of milk products or products deriving from milk.
3. Since then, the comments submitted by the countries that responded to the open consultation held by the WTO have been reflected in the Law, as the Government of Chile presented them during the parliamentary discussion.
4. However, the Legislative Branch operates independently from the Executive Branch, which cannot influence or determine, in an absolute manner, the content of laws during the legislative process.
5. The objective of the notification contained in document [G/TBT/N/CHL/500](#) was to provide information on the process, mainly with regard to the text approved in the Congress, which is a different text from those notified on the two previous occasions. It also aimed to obtain the views and comments of WTO Members.
6. On the basis of that information, the comments were analysed and replies were sent in writing, specifically to the comments made by the United States, European Union, New Zealand, Mexico, Peru, Costa Rica and Guatemala ([G/TBT/N/CHL/500/Add.1](#) of 24 February 2020).
7. It should be noted that the period for entry into force is nine months as from publication.
8. To provide context, the purpose of this Law is to improve consumer information. It should be recalled that the Codex General Standard for the labelling of pre-packaged foods indicates that labels should not be misleading and should indicate the true nature of the food, which was an area to be improved for dairy products in Chile.

9. Lastly, it is important to highlight and to reiterate that this Law was the result of a parliamentary motion and did not come from the Executive. All the necessary efforts were made to engage in discussions with the Parliament on the importance of the obligations of the TBT Agreement and the transparency of the process. As is known, the influence of the Executive on the Parliament can be quite limited, particularly concerning a draft law resulting from a parliamentary motion, as in this case.
