

**IMPLEMENTATION AND ADMINISTRATION OF THE AGREEMENT
ON TECHNICAL BARRIERS TO TRADE**

Communication by Chile

Revision

The following communication, dated 14 March 2006, has been received from the delegation of Chile.

1. I have the honour to transmit the information below, which gives an update of the measures adopted by Chile pursuant to the Agreement and supersedes the information contained in previous documents. It is notified in accordance with Article 15.2 of the Agreement on Technical Barriers to Trade, and with the decision adopted by the Committee on Technical Barriers to Trade, contained in the document G/TBT/1/Rev.8 of 23 May 2002.

2. The Agreement Establishing the World Trade Organization and the Agreement on Technical Barriers to Trade, which is an integral part thereof, came into force as law of the Republic on 17 May 1995, after having been approved by the National Congress (Decree No. 16 of the Ministry of Foreign Affairs, published in the Official Journal on 17 May 1995).

3. Law No. 19.912, published in the Official Journal of 4 November 2003, establishes, in Title I, Articles 2 to 5, a mechanism to allow compliance with the notification procedures for technical regulations and conformity assessment procedures set out in Articles 2.9, 2.10, 3.2, 3.3, 5.6, 5.7, 7.2 and 7.3 of the Agreement on Technical Barriers to Trade. The rules under this Title give effect in law to a mechanism that has been in operation for several years.

4. Decree No. 77 of the Ministry of the Economy, Development and Reconstruction, published in the Official Journal of 14 June 2004, contains implementing regulations for Title I of the Law 19.912 and sets out the requirements that the relevant bodies must meet when drawing up, adopting and implementing technical regulations and conformity assessment procedures.

5. The decree establishes principles to be observed in the context of good regulatory practice, such as using international standards as a basis, not creating unnecessary barriers to trade, national treatment and most-favoured-nation treatment. In the main section, it establishes an obligation to hold consultations on draft technical regulations (60 days as a general rule) and to inform the Ministry of the Economy so that it can notify them to the WTO. Moreover, it establishes, as a general rule, a period of 6 months between the adoption and the implementation of the technical regulations in order to give economic operators time to adapt to the new provisions. In special circumstances, envisaged in the TBT Agreement, the period may be shorter.

6. In 1997, a National Committee on Technical Barriers to Trade was formed. It answers to the Ministry of the Economy through its Department of Foreign Trade, and comprises a number of public institutions concerned with the preparation, adoption and implementation of rules, technical regulations and conformity assessment procedures.

7. The Committee's aim is to coordinate and secure consistency between the efforts of the various bodies involved in these matters in the country, with a view, *inter alia*, to complying with the obligations that derive from the WTO TBT agreement of the WTO, coordinating the country's position in this area in trade negotiations with other countries and addressing the issue of standardization as an instrument to support the country's process of technological modernization.

8. Title I of law 19.912, and its regulatory decree No. 77, were the result of work done by the national committee.

9. Responsibility for implementing and administering the Agreement on Technical Barriers to Trade lies with the Ministry of the Economy, Development and Reconstruction, and more specifically its Department of Foreign Trade (DECOEX), which in turn is the enquiry point for technical regulations and the related conformity assessment procedures. Its duties relating to technical barriers accordingly include notification of the WTO and further processing required by the notification procedure; that is, it receives comments on notified draft regulations and channels replies to these comments.

10. Notices concerning the preparation of technical regulations and related conformity assessment procedures, are published on their websites for example, by the institutions that have the authority to draw them up (Ministries and other government bodies involved in the specific area to be regulated). Once adopted, the regulations and conformity assessment procedures are published in the Official Journal. The time-limit for presenting written comments is not less than 60 days, except in emergencies.

11. As for voluntary technical standards, these are drawn up by the National Standardization Institute (INN), a foundation established under private law and run by the Production Development Corporation (CORFO). On 20 September 1995, the INN adopted the Code of Good Practice for the Preparation, Adoption and Implementation of Standards, included in Annex 3 of the WTO TBT Agreement, and is accordingly governed by its provisions. The study of these is carried out in accordance with internationally accepted ISO and IEC criteria. The standards are obtained through a process of consensus among the parties invited to participate, both from the public sector and from private sectors. While the standards are under study, the INN announces on its website (www.inn.cl) that the public consultation process is open (for 60 days).

12. With regard to the services specified in Articles 10.1 and 10.3 of the Agreement, the following are now fully operational:

13. For technical regulations (Article 10.1), the Enquiry Point is the Department of Foreign Trade in the Ministry of the Economy, Development and Reconstruction. The Address is:

Teatinos 120, piso 11,
Santiago, Chile
Telephone: (+56 2) 4733441
Fax: (+56 2) 4733427
E-mail: decoex@economia.cl

14. For technical standards (Article 10.3), the Enquiry Point is the National Institute of Standardization. The Address is:

Matías Cousiño 64, piso 6
Santiago-Chile
Telephone: (+56 2) 4458000
Fax: (+56 2) 4410427
E-mail: inn@inn.cl

15. Chile is a unitary state, so technical regulations and conformity assessment procedures are prepared at central Government level.
