



**Asia-Pacific
Economic Cooperation**

2022/SOM3/CTI/DIA/008

Session 3

**Transparency and Public Comment Procedures
Under WTO Technical Barriers to Trade Agreement
in Chile**

Submitted by: Chile



**Public-Private Dialogue on Promoting
Transparency of Technical Barriers to Trade
WTO Notifications: Improving Completeness
and Clearness of Information**

**Chiang Mai, Thailand
21-22 August 2022**



***“Transparency and Public comment
procedures under WTO/TBT
agreement in Chile”***

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Agenda

1. Transparency

2. TBT notifications

3. Comments to domestic notifications, and foreign notifications

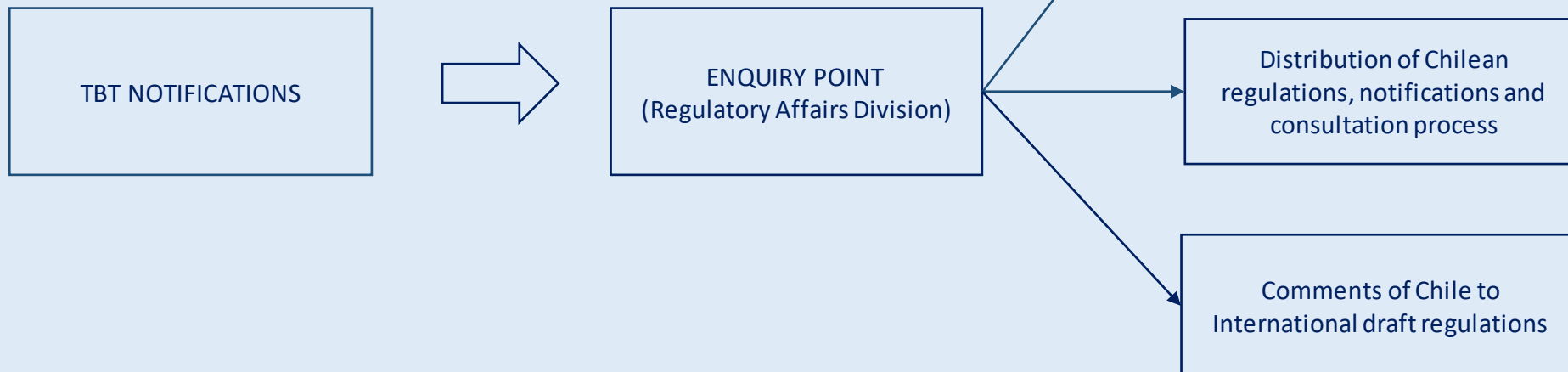
4. Future Challenges

1. Transparency

-Tool to avoid unnecessary regulations and obstacles to trade.

-Opportunity to influence regulations of trading partners, WTO members and domestic regulation.

- Fundamental principles on TBT agreement, which allows better predictability of regulatory trends and improve performance of the regulatory process





1. Transparency

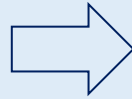
Article 2 TBT

- 2.9.2. notify other Members through the Secretariat of the products to be covered by the proposed technical regulation, together with a brief indication of its objective and rationale. Such notifications shall take place at an early appropriate stage, when amendments can still be introduced and comments taken into account;
- 2.9.4. without discrimination, allow reasonable time for other Members to make comments by writing, discuss these comments upon request, and take these written comments and the results of these discussions into account.



1. Transparency

Notification Authority / TBT National Enquiry Point (Art.10.)



SUBREI-Regulatory Affairs Division.

Main Functions: facilitating access to information and implementation of TBT Agreement.

ACTIVE

- Notification to the TBT Committee the draft technical regulation and conformity assessment procedures to be elaborated by the Chilean regulatory agencies or Ministries.
- Addressing enquiries and comments received by others WTO members.

PASIVE:

- Distribution of the TBT Notification elaborated by WTO Members. Encourage the use of ePing. Export Alert!
- Addressing Chilean comments to TBT measures notified by WTO Members.

1. Transparency in Chile



Domestic coordination is of vital importance to notification procedures. Internal meeting with the Ministries before the TBT Committee to coordinate notification matters, among others.



Sharing Information / Reports of New Notifications



Capacity Building / Workshops for regulators or Ministries /
Encourage use of E-ping



2. TBT Notifications

When / How to Notify?

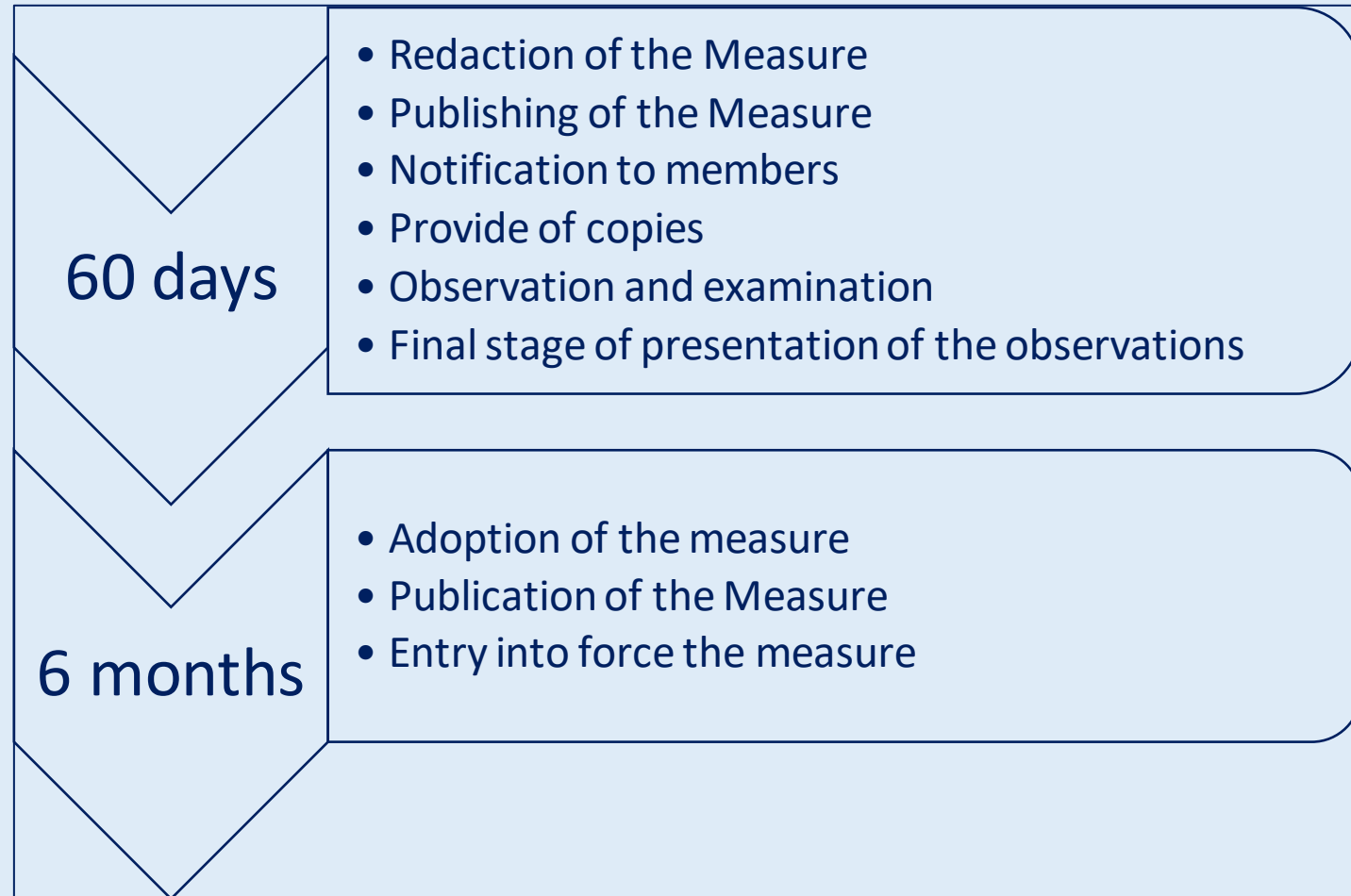
- At an early stage when modifications are still possible “**Draft Text**”.
- The new/modification regulation has a significant effect on trade.
- Notifications should be sent by WTO TBT ePing System, it could take only two days to process and circulated.
- Chile has published 974 notifications between 1996 and August 12, 2022.
- In 2014, for the first time Chile notified a draft law to the WTO (Alcoholic Beverages)



3. Comments to domestic notifications, and foreign notifications

- Domestic coordination is key to improve the participation and the quality of comments.
- Keeping track of the activities of regulatory bodies.
- Received and processed by TBT Enquiry Point.
- Making observations to the regulations at an early stage and making the necessary adjustments in case they are well considered.
- Helping to have clear, predictable and known standards and regulations.

3. Comments - Notification Process



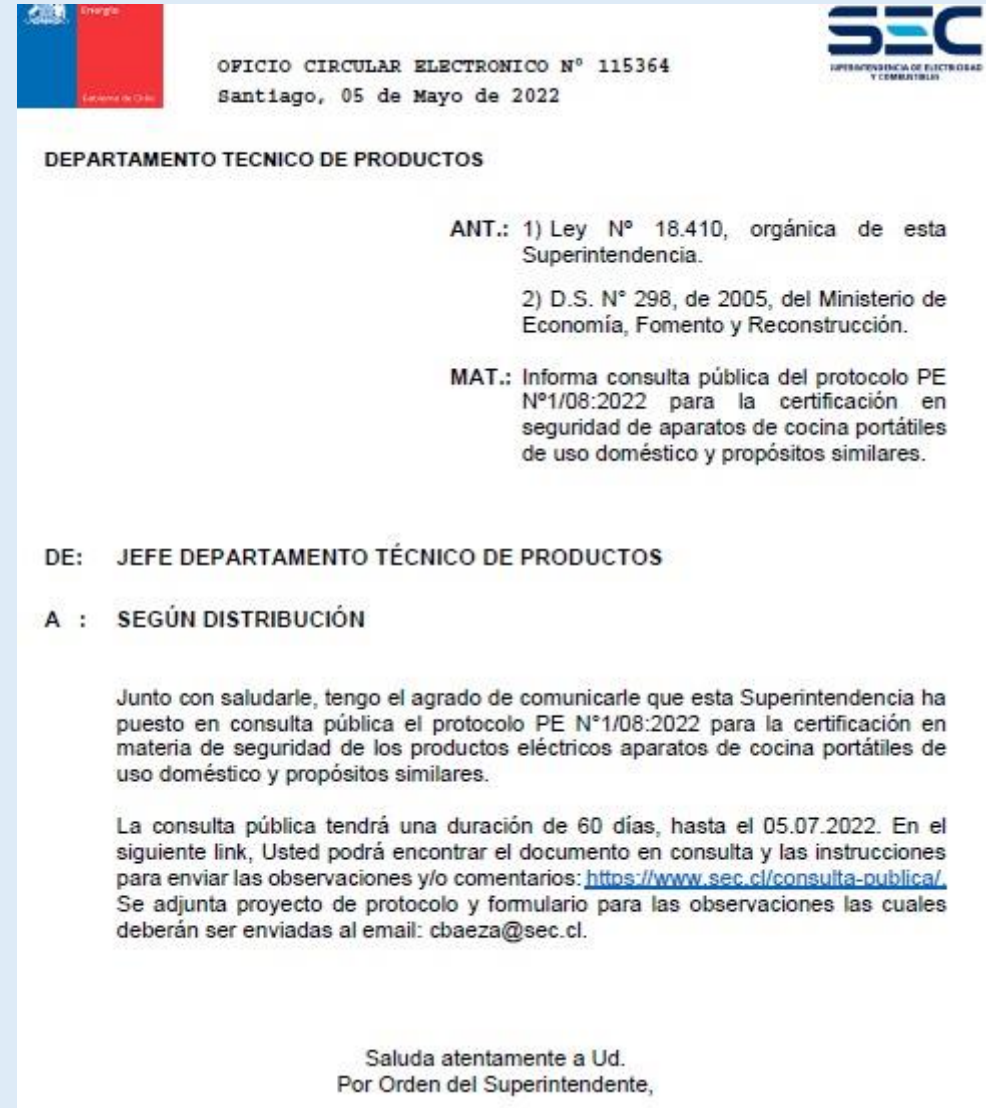


3. Comments - International Consultation Process

Ministry or Regulatory Agency of Chile, sends an official request to the Division of Regulatory Affairs of SUBREI, requesting the management to present the project to international public consultation under the WTO process.

WTO proceeds under the ePing system.

Stakeholders may comment under the TBT/WTO enquiry contact point.



OFICIO CIRCULAR ELECTRONICO N° 115364
Santiago, 05 de Mayo de 2022

DEPARTAMENTO TECNICO DE PRODUCTOS

ANT.: 1) Ley N° 18.410, orgánica de esta Superintendencia.
2) D.S. N° 298, de 2005, del Ministerio de Economía, Fomento y Reconstrucción.

MAT.: Informa consulta pública del protocolo PE N°1/08:2022 para la certificación en seguridad de aparatos de cocina portátiles de uso doméstico y propósitos similares.

DE: JEFE DEPARTAMENTO TÉCNICO DE PRODUCTOS

A : SEGÚN DISTRIBUCIÓN

Junto con saludarle, tengo el agrado de comunicarle que esta Superintendencia ha puesto en consulta pública el protocolo PE N°1/08:2022 para la certificación en materia de seguridad de los productos eléctricos aparatos de cocina portátiles de uso doméstico y propósitos similares.

La consulta pública tendrá una duración de 60 días, hasta el 05.07.2022. En el siguiente link, Usted podrá encontrar el documento en consulta y las instrucciones para enviar las observaciones y/o comentarios: <https://www.sec.cl/consulta-publica/>. Se adjunta proyecto de protocolo y formulario para las observaciones las cuales deberán ser enviadas al email: cbaeza@sec.cl.

Saluda atentamente a Ud.
Por Orden del Superintendente,



4. Future Challenges

- To generate a broad program to inform the community the existing Transparency and Public Consultation mechanisms.
- Increase capacity building activities to the regulatory bodies, training workshop for stakeholders.
- Technical assistance: Guide on how to notify and prepare comments.
- Private sector engagement.
- Having a formal mechanism of RIA to assess the potential impacts of a new regulation, specially on consumers, industry and trade.



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Undersecretariat of International Economic
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Ministry of Foreign Affairs of Chile.

Thanks for your attention!!