

Summary of U.S.-Chile FTA Technical Barriers to Trade Chapter

The FTA includes a Chapter on Technical Barriers to Trade, which improves the implementation of the WTO Agreement on Technical Barriers to Trade (TBT) and builds on those disciplines to promote transparency and accountability in regulatory decision-making. The Chapter provides for enhanced bilateral cooperation to facilitate market access and establishes a Committee to help achieve these results and to oversee implementation of the new FTA rules.

The key provisions of this Chapter are as follows.

International Standards. Requires the Parties to apply the principles in the WTO TBT Committee Decision on Principles for the Development of International Standards, Guides and Recommendations, which emphasizes the need for openness and consensus in the development of international standards.

Trade Facilitation. Promotes bilateral cooperation to facilitate market access and encourages the consideration of multiple options to do so.

Technical Regulations. Requires an explanation for not accepting technical regulations of the other Party as equivalent to one's own technical regulation, when acceptance of a foreign technical regulation as equivalent is provided for.

Conformity Assessment. Requires an intensified exchange of information on the range of mechanisms available to facilitate the acceptance of conformity assessment results.

Requires the recognition of competent conformity assessment bodies located in the territory of the other Party on a non-discriminatory basis, where the Party has such a recognition program in place. Where a Party denies such recognition, it will explain its reasons upon request.

Where a Party declines to engage in or conclude negotiations to facilitate the recognition of conformity assessment results, requires that Party to explain why, upon request.

Transparency. Requires non-discriminatory opportunities to participate in the development of standards, technical regulations, and conformity assessment procedures.

Enhances the opportunity for meaningful comment on proposed technical regulations by requiring the Parties to describe the objective of the proposal and the rationale for the approach it is proposing in its published notice of the proposal. Also obligates a Party to provide additional information on the objective and rationale, upon request.

Requires notifications to be made between Parties at the same time they are made to the WTO.

Requires the publication (in print or electronically) of responses to significant comments made

on proposed regulations at the time of their final adoption.

Committee on Technical Barriers to Trade. Establishes a Committee comprised of representatives of the Parties to monitor implementation and administer the Chapter, and to promote bilateral cooperation, information exchange and the resolution of trade concerns.

Allows the Committee to review the Chapter and to develop recommendations for amending it in light of developments.

Information Exchange. Requires that any information or explanations provided for by this Chapter be provided in print or electronically within a reasonable period of time.