

# Coordination Among Regulatory Bodies: The Chilean Experience

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- Legal Matters
- Internal Topics
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# Objectives of Technical Regulations

- Technical Regulations set the rules that products must fulfill so the protection level defined by the society through the competent authorities is achieved.
- Their interventions should not distort the market performance.
- Good Regulatory Practices is a must.
- One aspect that is determinant is the coordination among regulatory bodies.

# The National Commission on TBT

- It was created in 1997.
- It is headed by the Ministry of Economics
- It is conformed by the representatives of the ministries that develop, adopt and apply technical regulations and their agencies
- Officials from the foreign affairs ministry
- The National Standardization Institute.

# The Mission

- To coordinate and provide consistency to the work of the institutions involved with technical regulations and conformity assessment procedures
- To strengthen the market surveillance
- To ensure its application and setting the appropriate conditions so standards become an instrument that promote technical innovation and assure the fulfillment of all obligations.

# Themes ...

- 1) Review and analysis of the general standardization, regulation and conformity assessment systems outstanding in Chile.
- 2) Periodical updates of the TBT/OMC activities for its implementation and application in Chile.
- 3) Identification and analysis of the topics on TBT/OMC and other fora that require a national position.

## ... Themes ...

4) Preparation and analysis of the activities derived from the APEC Sub Committee on Standards and Conformance (SCSC), which this year 2004 is chaired by Chile.

5) Analysis and follow up of the free trade agreement negotiations with the European Union, United States, Korea, and P3, among others. Support on the administration of the current agreements, mainly by providing technical information about particular sectors.

## ... Themes

6) Review and analysis of national technical regulations' public availability.

7) Measures to strengthening market surveillance through better coordination.

8) Review and evaluation of the existing MRA under the SCSC in APEC.

9) Implementation of a network of focal points in the different agencies to coordinate work and to respond to information requirements.

10) Capacity building requirements

# Outcomes - Trade Negotiations

- Each of the trade negotiations that have been carried out and that address TBT matters has been analyzed, discussed and commented by its members.
- This work allows for a prompt implementation of the measures agreed and their straightforward application in all sectors.

# Outcomes - Legal Matters ...

- Throughout 2003 the Commission worked on the elaboration of a Decree regarding the implementation of Law No 19.912.
- This Law ensures compliance with TBT principles and procedures. The text of the Decree was agreed by consensus.
- The scope of the Law, and therefore of the Decree, relates to the principles of the TBT Agreement and good regulatory practices.

## ... Outcomes - Legal Matters ...

- The decree has allowed enhancing awareness among the Chilean agencies regarding:
- The benefits of having clear and uniform rules on how technical regulations and conformity assessment procedures (CAPS) should be developed, adopted, and applied.
- The process for its elaboration gave the opportunity to answer the agencies inquiries and to share the main concerns.

## ... Outcomes - Legal Matters

- The decree establishes principles of the TBT Agreement such as: use of international standards, non-discrimination, avoidance of unnecessary barriers to trade and transparency.
- It includes a broad system of consultation of draft regulations with the community and a time period for comments.
- It requires to keep relevant information available to the public (objective of the measure, alternatives considered, advantages and disadvantages, etc.)

# Outcomes - Internal Topics

- Concepts that have been discussed at the Commission to elaborate a national position it is worth mentioning the ecolabeling and the Cartagena Protocol.
- Another topic that was considered in the Commission is the REACH system, proposed by the European Union for the trade and imports of chemicals.

# Outcomes - SCSC

- The 3rd Conference on Good Regulatory Practices and the 5th on Standards and Conformance programs were presented, commented and improved with suggestions of the members.
- The subscription by Chile of the First Part of the Electrical MRA and the Arrangement for Exchange of Information on Toy Safety was facilitated by the previous discussion in this assembly.

# Outcomes - Others ...

- Regarding public availability of technical regulations, the agencies have been improving the information contained in their websites.
- With resources obtained from a cooperation program with the EU a website will be built containing all the Chilean technical Regulations.

## ... Outcomes- Others

- The market surveillance is an important matter to assure the right application of technical regulations to national products and imports.
- A program to share information is being settled with the Customs Service to improve the control of imported products. The first area where this program is being applied is the electrical and fuel products.

# Future Work

Training on the implementation of law 19.912  
and its regulation to ministries and agencies.

On the TBT agreement to agencies and  
entrepreneurs.

Current regulations to consumers.

# Challenges

To improve our system.

To move toward the optimization of our system.

Obtain permanent training on good regulatory practices.

Identify other national coordination schemes to share experiences and improve our work.

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