**ANNEX 1: Fact sheet on Individual Efforts Made towards the Achievement of the Bogor Goals: Chile – update 2020**

|  | **Status in 1996** | **Status in 2009** | **Status in 2019** | **Major Achievements incl. Significant Progress** **after the Mid-term Stocktake and****Example of Best Practices** |
| --- | --- | --- | --- | --- |
| **1. Tariffs** |  |  |  |  |
| 1. Import-weighted average of MFN applied tariff
 | 11% | 6% | 6%  | Currently there were two ad valorem rates: 0 and 6 per cent.The most common rate was 6 per cent, which applied to 99.58 per cent of tariff lines, followed by 0 per cent (0.42 per cent of tariff lines) |
| 1. Simple average of MFN applied tariff
 | 11% | 6% | 6% | Since January 2003, Chile has had a virtually uniform MFN tariffresulting from implementation of Law No. 19.589 (1998), whichprovided for a unilateral reduction in the general tariff by onepercentage point each year, from 11 per cent down to 6 per cent in2003 (January). Chile grants at least MFN treatment to all its tradingpartners.Reduction in 5 percentage points, according to a five-year planreform, which started on 1999 and ended with a uniform appliedtariff of 6% on January 1st 2003. |
| 1. Tariff average, based on import tariff revenue
 |  | 1.12% | 0.81% |  |
| 1. Zero tariff lines as a percentage of all tariff lines
 |  | 0.45% | 0.42% | This indicator in the case of Chile does not reflect the effective opening of the Chilean market. Chile has developed a strategy basedon the opening of market through bilateral agreements. This numberwould be rather more considerable if including the preferential tariffrate under bilateral /regional FTAs.Chile’s development strategy is based on the opening of the Chileanmarket.Unilateral: low and flat tariff (6% MFN)Bilateral: for the past 15 years, Chile has opted for bilateralismthrough free trade, economic complementation and preferentialagreements in lined with its WTO commitments.Multilateral: WTO, APEC and in OECD negotiationsWith a current total of 29 FTAs signed with 65 trading partners,Chile has one of the largest number of agreements and preferentialpartners in the world. |
| 1. Zero tariff imports as a percentage of all imports
 |  | 0.3% | 0.2% |  |
| 1. Standard deviation for applied tariff
 |  | 0.478 | 0.030 |  |
| 1. Transparency in tariff regime
 |  | Chile`s trade policy is transparent, open, non discriminatoryand simple. At present, Chile's applied tariff rate is 6% acrossthe-board, after a five year plan reform, which started on 1999 and ended with a 6% rate on January 1st 2003. | Chile`s trade policy is transparent, open, non discriminatoryand simple. At present, Chile's applied tariff rate is 6% acrossthe-board, after a five year plan reform, which started on 1999and ended with a 6% rate on January 1st 2003. | This plan reduced the uniform tariff of 11%, in place since 1991.This uniform tariff system, with some exceptions, is in place sincethe late 70's and grants predictability and transparency to the tradingsystem.As a result of the Uruguay Round, Chile reduced its across-the-boardbinding from 35% to 25%, except for wheat, wheatflour, vegetableoils and milk which were reduced to 31.5%. However, the boundtariff for sugar was set at 98% in 2003 to accommodate internationalprice distortions. |
| **2. Non-Tariff Measures** |  |  |  |  |
| 1. Quantitative import restrictions/ prohibitions
 | By 1996, import quotas and otherquantitative restrictions werealready prohibited in Chile.Licensing, surveillancemechanisms, and cartels are alsoprohibited.Nevertheless, Law Nº 18.483,Article 21 (published in Chile'sOfficial Gazette on December, 28,1985) prohibited the import ofused automobiles with theexception of certain public utilityvehicles, including ambulances,prison vans, hearses, fire engines,armored cars, cement trucks,trailer cars and sweeper cars,among others. | Chile has no quantitative restrictions or import licences. However, the importation of used motor vehicles used motorcycles and used and retreaded tyres (with the exception of wheel-mounted tyres) is prohibited.The prohibition to import used vehicles is based on Law No. 18.483, known as “the automotive Statute of 1985”,whose original objective was to assist Chile's automobile industry and promote its exports. According to the authorities, the reason for maintaining the prohibition is to ensure thatthere is a modern, safe and environmentally friendly fleet ofmotor vehicles. Further, this prohibition does not apply toready-mix cement trucks, ambulances, fire-fighting vehicles, urban and highway cleansing vehicles, armoured vehicles, motor homes and penitentiary vehicles, *inter alia*, or to vehicles belonging to Chilean citizens who have resided abroad for one year or more and then returned to Chile, and vehicles intended for free zones.The prohibition to import used tyres is due to public healthreasons, that is, to ensure that the mosquito *aedes albopictus*, which transmits epidemic diseases such as dengue and yellow fever, is not introduced into Chile by means of used tyres.Other products that may not be imported include asbestos,pornography, dangerous goods such as certain pesticides for agricultural use, toys and articles for children which contain toluene, adhesives with a volatile solvent base and other goodsprohibited by decree of the Ministry of Health or Agricultureor other government bodies. Pursuant to the Convention onInternational Trade in Endangered Species of Wild Fauna and Flora (CITES), it is also prohibited to import animals or plants in danger of extinction. Chile also prohibits the import oftoxic and hazardous waste pursuant to the Basel Convention, as well as the import of ozone-depleting substances and products containing CFCs in accordance with the MontrealProtocol | Chile has no quantitative restrictions or import licences.However, the importation of used motor vehicles usedmotorcycles and used and retreaded tyres (with the exceptionof wheel-mounted tyres) is prohibited.The prohibition to import used vehicles is based on LawNo. 18.483, known as “the Automotive Statute of 1985”,whose original objective was to assist Chile's automobile industry and promote its exports. According to the authorities, the reason for maintaining the prohibition is to ensure that there is a modern, safe and environmentally friendly fleet of motor vehicles. Further, this prohibition does not apply to ready-mix cement trucks, ambulances, fire-fighting vehicles, urban and highway cleansing vehicles, armoured vehicles, motor homes and penitentiary vehicles, *inter alia*, or to vehicles belonging to Chilean citizens who have resided abroad for one year or more and then returned to Chile, and vehicles intended for free zones. The prohibition to import used tyres is due to public healthreasons, that is, to ensure that the mosquito *aedes albopictus*, which transmits epidemic diseases such as dengue and yellow fever, is not introduced into Chile by means of used tyres.Other products that may not be imported include asbestos, pornography, dangerous goods such as certain pesticides for agricultural use, toys and articles for children which contain toluene, adhesives with a volatile solvent base and other godos prohibited by decree of the Ministry of Health or Agriculture or other government bodies. Pursuant to the convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), it is also prohibited to import animals or plants in danger of extinction. Chile also prohibits the import of toxic and hazardous waste pursuant to the Basel Convention, as well as the import of ozone-depleting substances and products containing CFCs in accordance with the Montreal Protocol | The Constitutional Organic Law of the Central Bank does not allowthe establishment of quotas for imports (or exports). Consequently,Chile does not apply quantitative restrictions on imports, and it hasno import licensing regime |
| 1. Import licensing
 | By 1996, there were neitherexport licenses nor controls onexports required in Chile, except those covered by the Convention on International Trade of Endangered Species (CITES). | Chile has no import licensing regime. | Chile does not apply an import licensing regime, except for those products that require permits because they are relevant to animal, plant or human health, national security, or environmental reasons. |  |
| 1. Import levies
 | By 1996, there were no importlevies |  |  | Chile has abolished import levies such as the customs clearance taxand the airport tax. Imported goods, in the same way as domesticgoods, must pay the value added tax (VAT) and other additionaltaxes depending on the nature of the goods. |
| 1. Export subsidies
 | Through the general drawbacksystem, Chilean exporters areeligible for the refund of customs duties on imported inputs which are incorporated into exported goods.There is simplified duty drawback system which was established in 1985 and entitled the exporter to a 10%, 5%, or 3% rebate on the FOB value, depending on the total value of goods exported. This system cannot be used in conjunction with the general drawback. Only minor exports are eligible. When exports reach the level of US$ 10,5 million, the rebate is reduced from10% to 5%, and to 3% when exports reach US$ 15,7 million. After exports exceed US$ 18.8 million, no reimbursements can be claimed.Exporters of goods and serviceswho use imported capital goodscan access to deferred payments on customs duties and reduction of repayment of instalments, depending on exporters’ performance which is based on the ratio of total exports to total sales. |  |  |  |
| 1. Other non-tariff measures maintained
 | (List of measures) | Chile has not maintained non-tariff measures. | Chile has not maintained non-tariff measures. |  |
| **3. Services** |  |  |  |  |
| 1. Number of sectors out of 55 services sectors in which market access and/or NT are granted as a result of the commitments in the GATS
 | 8 | 8 | 8 |  |
| 1. Number of sectors out of 55 services sectors in which MFN exemptions maintained as a result of the commitments in the GATS
 | 7 | 7 | 7 |  |
| 1. Number of sectors out of 55 services sectors in which market access and/or NT are offered in the DDA under the GATS
 | 12 (note: these are the sectors committed in the revised offer) | 12 (note: these are the sectors committed in the revised offer) | 12 (note: these are the sectors committed in the revised offer) |  |
| 1. Number of sectors out of 55 services sectors in which MFN exemptions maintained in the DDA under the GATS
 | 7 | 7 | 7 |  |
| 1. Number of RTAs/FTAs in which more market access and/or NT are committed to services sectors than those in the commitments under the GATS
 | 0 | 14 | 20 |  |
| 1. Number of sectors in which licensing and qualification requirements apply specifically to foreign service providers
 | 0 | 0 | 0 |  |
| 1. Measures to improve transparency in services
 | The only commitments on transparency subscribed were undertaken under GATS. There are no special measures on Transparency.  | A new legislation entered into force in April 2009, stating that administrative acts of the State are public, with some limited exceptions.  | Transparency Law is still in force and it helped to establish the principle of transparency in the government. | Inclusion of an article on transparency in the Trade in Services and Cross Border Trade in Services Chapter in most of Chile’s recent agreements. Also the inclusion of Transparency Chapter in Chile’s most recent FTAs that also apply to services.  |
| **4. Investment** |  |  |  |  |
| 1. Restrictions on foreign investment
 | 0 (NT incorporated inConstitution. Notwithstanding,there are special provisionsrelated to essential security interests and to sectors withspecific restrictions such astransport, energy, mining,fisheries, energy,telecommunications) | 0 (NT incorporated in Constitution. Notwithstanding, there arespecial provisions related to essential security interests and tosectors with specific restrictions. Those restrictions are listedin Chile’s annexes of non-conforming measures in its FTA’s) | 0 (NT incorporated in Constitution. Notwithstanding, there arespecial provisions related to essential security interests and tosectors with specific restrictions. Those restrictions are listedin Chile’s annexes of non-conforming measures in its FTA’s) |  |
| 1. Investment by foreigners entails offsets (performance requirements, export requirements, local content requirements)
 | (Number of industries)0 | (Number of industries)0 | (Number of industries)0 |  |
| 1. Restrictions on transfers of capital
 | The Central Bank of Chile appliedsome restrictions | 0 (However, the Central Bank of Chile has the ability to impose restrictions, which are not currently in force) | 0 (However, the Central Bank of Chile has the ability toimpose restrictions, which are not currently in force) |  |
| 1. Consistency with APEC Non-Binding Investment Principles
 | In general, Chilean policies areconsistent with all APEC nonbindinginvestment principles | In general, Chilean policies are consistent with all APEC nonbindinginvestment principles | In general, Chilean policies are consistent with all APEC nonbinding investment principles |  |
| 1. Number of BITs and FTAs/RTAs which NT and MFN are ensured in relation to foreign investment
 | (Number of agreements)14 BITs | (Number of agreements)44 (Australia, USA, Canada, Mexico,Peru, Colombia, Japan, and Korea FTA Chapters) | (Number of agreements)4635 BITs11 FTAs/RTAs (Argentina, Australia, Canada, Colombia, Korea, Mexico, Peru, Colombia, Japan, Pacific Alliance and USA FTAs with investment Chapters) |  |
| BITs and FTAs/RTAs with APEC member economies which NT and MFN are ensured in relation to foreign investment | 2Malaysia, China BITs | 10Philippines, China, Malaysia BITs(Australia, USA, Japan, Korea, Canada, Mexico and Peru FTAChapters) | 3 BITs:Philippines, China, Malaysia BITs8 FTAs/RTAs (Australia, Hong Kong China, Canada, USA, Mexico, Peru, Japan, and Korea FTA Chapters) | Chapters on investment, are negotiated under comprehensive FTAs that incorporate other disciplines. Further development of existing disciplines and procedures, specially Section B on investor – State dispute settlement.Also, recent investment chapters include provisions on Corporate Social Responsibility and Gender. |
| 1. Measures to improve transparency in investment
 | None | -Transparency chapters and regulations in FTA’s.-New legislation entry into force in April 2009. This lawindicates that all the administration acts of the State are public,with some delimited exceptions.-Transparency is also exercised through the InvestmentCommittee’s web page (www.foreigninvestment.cl) andDIRECON’s web page (www.direcon.cl), all of which providecontact points for any inquires. | -Transparency chapters and regulations in FTA’s.-Transparency is exercised through the InvestmentCommittee’s web page (www.foreigninvestment.cl) and SUBREI’s web page (www.subrei.cl), all of which provide contact points for any inquires.The Transparency Council provides a website (www.consejotransparencia.cl) which allows to the public to consult and request information from the government for administration acts, except for the exceptions delimited by law. |  |
| **5. Standards and Conformance** |  |  |  |  |
| 1. Number of domestic standards aligned with the target international standards for Voluntary Action Plan (VAP)
 | (Number of standards) | (Number of standards) | 7 Note: This report is regarding the new Voluntary Action Plan(VAT Target Standards) corresponding to the new 28standards selected as new VAP target standards, as shown onAnnex 1. We ask the clarification of the request because wehave seen different responses of the Economies and thoseresponses do not corresponding exactly to these 28 targetstandards. Regarding the VAP Work Programme, theEconomies have to submit their VAP reports for the newpriority areas and CB Scheme in May 2010.-Note: Chile´s VAPs are attached. |  |
| 1. Description of conformity assessment process including participation in and implementation of mutual recognition arrangements
 | (Description of illustrative measures and number of mutual recognition agreements) | (Description of illustrative measures and number of mutual recognition agreements) | Chile participates in a number of recognition arrangements, including Part I of the APEC MRA on Conformity Assessment of Electrical and Electronic Equipment (EEMRA) and the Arrangement for Exchange of Information in Toys Safety.Currently, Chile is signatory of multilateral recognition agreements (MLA) of International Accreditation Forum (IAF) for Management Systems Certification (QMS and EMS) and Product Certification, and signatory of mutual recognition arrangements (MRA) of International Laboratory Accreditation Cooperation (ILAC) for Testing (including medical), Calibration and Inspection. | Since Jun 2007, Chile participates at Part I of the APEC MRA on Conformity Assessment of Electrical and Electronic Equipment (EEMRA). Since 2004, Chile participates at the MRA for Exchange of Information on Toy Safety. Chile participates in a number of recognition arrangements, including Part I of the APEC MRA on Conformity Assessment of Electrical and Electronic Equipment (EEMRA) and the Arrangement for Exchange of Information in Toys Safety. Chile is currently assessing the legislative requirements to participate in Part II of EEMRA. Chile is actively seeking to conclude a multilateral recognition agreement with the International Accreditation Forum (IAF), and is working towards a Mutual Recognition Agreement (MRA) on Food in APEC. |
| 1. Efforts to raise transparency and objectivity of standards
 | (Description of illustrative measures) | (Description of illustrative measures) | National Coordinating Commission on SPS Measures. It was created in 2001, by Decree, for the purpose of establishing national positions on SPS issues and to allow an efficient inter-ministerial work in trade negotiations, in compliance with the country’s commitments in the international fora.The Commission is headed by the Agricultural and Livestock Service, Ministry of Agriculture. At least three meetings are held during a year.National Commission on Technical Barriers to Trade, created in 1997. The Commission is headed by the Undersecretariat of International Economic Affairs, Ministry of Foreign Affairs, and has played a major role as a coordinator between the different Government Agencies. By centralizing the process, and dealing with all the agents involved in the development of technical regulations, the Commission provides to all the parties involved, a common forum to express their concerns and expectations related to the nation’s standardization agenda. At least three meetings are held during a year.Decree 77 (2004): establishes Requirements for the Preparation, Adoption and Application of Technical Regulations and Conformity Assessment Procedures | National Coordinating Commission on SPS Measures. It was createdin 2001, by Decree, for the purpose of establishing national positionson SPS issues and to allow an efficient interministerial work in tradenegotiations, in compliance with the country’s commitments in theinternational fora.National Commission on Technical Barriers to Trade, created in1997. The Commission is headed by the General Directorate ofInternational Economic Affairs, Ministry of Foreign Affairs, and hasplayed a mayor role as a coordinator between the differentGovernment Agencies. By centralizing the process, and dealing withall the agents involved in the development of technical regulations,the Commission provides to all the parties involved, a commonforum to express their concerns and expectations related to thenation’s standardization agenda.Decree 77 (2004): establishes Requirements for the Preparation,Adoption and Application of Technical Regulations and ConformityAssessment Procedures. |
| **6. Customs Procedures** |  |  |  |  |
| 1. Adoption of HS2007 nomenclature
 | -- | Adopted by Treasure Decree N° 997, on December 16th of 2006. |  |  |
| 1. Conformity with the Revised Kyoto Convention
 | --  | Not AccededStatus of Conformity: Compliance with most of the principles. | Not AccededStatus of Conformity: Compliance with most of the principles. |  |
| 1. Transparency
 | An offices attended by Customs Officers was establish in order to provide Information for trade operators. In 1998, the first website was launch. | On August 20, 2008, The Law N° 20.285 on Transparency and Access to Public Information Law was issued. All government institutions must insure access for all citizens to documents and records, especially those referring to salaries of employees, type of contracts, benefits received and the details of contracting of goods and services. | Law N° 20.880 on “Integrity in Public Service and Prevention of Conflicts of Interest” was published on 5 January 2016. In its Article 58, the second paragraph of Article 43 of Law N° 20.285 was replaced with the following: “Without prejudice to the foregoing, the standards of integrity established in the Law on Integrity in the Public Service and Prevention of Conflicts of Interest and the provisions of Title III of Law N° 18.575, organic constitutional of General Basis of the State Administration, shall apply to these personnel, having to be recorded in the respective contracts of a clause that so provides.” |  |
| 1. Use of information technology and automation (e.g. Single Window, Harmonised Trade Data Elements, Paperless Trading, etc.)
 | Databases and Data Warehouse. Implementation of the D.U.S.= Documento Único de Salida = Single Exit Document in digital format | Paperless Trading: Electronic Import Declaration; Electronic Import Declaration; Electronic Manifest (Courier, Air Cargo, Land Cargo and Sea Cargo); Electronic Warehouse Declaration and Electronic Transit Declaration in Pilot Status.Single Window: in Pilot Status. | Digitalized documents and procedures: Internal Transit Declaration, in its different functionalities; Suspensive Customs Regime system including the DATAC (Temporary Admission Declaration for Civil Aircraft), DATET (Temporary Admission Declaration of Tourists’ Effects), and DSTET (Temporary Exit Declaration of Tourists’ Effects), among other declarations; DECARE system for allegations, charges and complaints; Storage of Goods Request; DIPS (Import Declaration and Simultaneous Payment) for cargoes and franchises; Duty Drawback; Exemption for fire-fighters; Valuation Declaration.Single Window: implementation of interoperability with SICEX (Integrated Foreign Trade System) for export operations (except temporary exit) effective since 2017, and Pilot Status for import operations since 2019.Integrations: integration with the Public Health Institute for Customs Destination Certificates; Integration with Maritime Ports for entry authorization to Primary Areas. |  |
| 1. Measures to secure trade (e.g. AEO, etc.)
 | None Since the AEO program was establish on 2005 in the Framework of the SAFE. | AEO: in Pilot Status, implemented by Ruling N° 849 from February 5th of 2009. | Article 23 bis of Law No. 20.997 “MODERNIZATION OF CUSTOMS LAW” of 13 March 2017, incorporated Article 23 bis into the Customs Ordinance, which recognizes the OEO status. Additionally, through Resolutions N° 246 of 2918 and N° 1520 of 2019, it was fully implemented for Importers, Exporters, Couriers and Customs Brokers. | Under the WCO SAFE program, Chile Customs achieved substantial improvements in the control and assurance of the supply chain. This has enabled Customs to make progress in integrated border management (customs control of goods; risk assessment with other customs administrations; exchange of information regarding high-risk shipments), to apply full powers to cargo inspection at all times, new technologies in inspection equipment, risk management systems with automated and systematized selectivity, intensive use of processes for targeting and developing objectives (foreign trade users; operations; cargo; traceability), reports on performance, effectiveness and measurement of enforcement performance, as well as permanent cooperation with other competent public authorities, including cooperation agreements and information exchange. |
| 1. Implementation of other customs measures to facilitate trade (e.g. Advance Classification Ruling System, Time Release Survey, etc.)
 | none | ATA Convention Member: Implemented by Ruling N° 3.030 from July 7th of 2005. Advance Ruling System (Classification, Valuation, Origin and other custom matters): Implemented by Ruling N° 9.422, of December 29th of 2008. Advance Publication and Regulatory Agenda: Approved by Ruling N° 2.217 of April 1st of 2009.Tax and Customs Courts: Implemented by Law N° 20.322, of January 27th of 2009, that fortifies and improves the Tax and Custom Jurisdiction. Decentralized System of Tax and Customs Courts of First Instance, subject to the supervision of the Supreme Court and independent of Internal Tax Service and Customs.  | (Description of illustrative measures) | Advance Ruling System: In 2014, it was proceeded to systematize the modifications made to the procedure for issuing advance rulings and incorporate details, issuing Resolution N° 4378, which approves the procedure currently in force for the issuance of advance resolutions.Time Release Study (TRS): In the context of the training conducted by the WCO in June 2016 on how to conduct TRS, Chile Customs begins its first TRS, as a pilot, in the export process, in a specific port and customs administration, and considering goods belonging to three (3) economic sectors relevant to the Chilean market. The study, completed in 2017, allowed us to detect bottlenecks and generate improvement measures for the export of the analyzed products. At the end of 2019 a new TRS began, which is currently under development.Law N° 20.997 “MODERNIZATION OF CUSTOMS LAW”, published on 13 March 2017, established the following institutions that contribute to facilitation:1. Article 23 bis is incorporated into the Customs Ordinance, which recognizes the Authorized Economic Operator (OAS) status.2. Article 23 ter is added to Customs Ordinance, "People who assist customs (laboratories, certification companies)" in their audit and enforcement- related work.3. Exemptions for to travelers and crew members: Article 31 of the Customs Ordinance, Heading 00.09 of the Customs Tariff and Law N° 19.288 are amended.- In the case of crew members: (i) the right to carry luggage is recognized and the General Director is empowered to determine the goods included therein. In addition, gifts, tobacco and alcohol are excluded from the benefit; (ii) they are allowed to purchase goods up to US $ 350 per month in the duty free shop in Chile, being able to import them without payment of duties or VAT.- In the case of travelers: the amount for simplified import procedures is increased from US $ 1,500 FOB to US $ 3,000 FOB.4. The customs deposit destination is established by incorporating an Article 111 bis into the Customs Ordinance and its Articles 56, 140 and 181 are modified.5. Couriers Operators: Article 91 bis is incorporated into the Customs Ordinance, which legally regulates the essential aspects of the activities carried out by these operators (carrier, freight forwarder and warehouse keeper).6. Authorize the importation and withdrawal of the goods prior to the payment of customs duties, by means of the posting of a security.Article 104 of the Customs Ordinance and Articles 9 and 64 of the D.L. 825 are amended.7. Update of the temporary admission suspensive regime for inward processing: Article 108 of the Customs Ordinance is replaced.8. Customs auctions and inclusion of charitable institutions within the beneficiaries of the donation of seized goods: Articles 141, 152, 155, 156, 157, 159, 164 and 165 of the Customs Ordinance are amended.9. Section 0 of the Customs Tariff. The National Legal Note N° 6 of the Customs Tariff, the items of subheadings 0004.0200 and 0004.0500, N° 4 of the Legal Note of heading 00.04, heading 00.23, the item of heading 00.26, headings 00.33 and 00.36 are amended, and heading 00.10 is deleted:- A system of readjustment of the maximum amounts established in dollars of exemptions contained in headings 00.09; 00.23 and 00.26 is added (National Legal Note N° 6 is added).- Franchise for the Ministry of National Defense officers is leveled with other government officers on duty abroad (Heading 00.04).- Heading 00.23 is replaced, with the purpose of recognizing with legal rank a minimum or *de minimis* value regarding imported goods up to a FOB value of US $ 30, without commercial character, which are exempt from the payment of customs duties- The maximum amount of exemptions for medicines is increased to US $ 500 (heading 00.26)- The scope of the exemption of heading 00.33 on the importation of vehicles is regulated.- Imports made by the Fire Department intended to fulfill its functions (heading 00.36) are exempt from the payment of customs duties.10. Official suspension of the release by the Customs Service in the field of intellectual property: Article 16 of Law N° 19.912 is modified, increasing from 5 to 10 working days the time-limit within which the Customs may suspend the clearance of a good when there are indications of infringement. |
| **7. Intellectual Property (IP)** |  |  |  |  |
| 1. Ratification and implementation of the major multilateral agreements relating to IP rights
 | Berne Convention for the Protection of Inter-American Convention on Copyright in Literary, Scientific and Artistic WorksUniversal Copyright Convention Literary and Artistic Works (Paris Act)Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting OrganizationsNairobi TreatyTreaty on the International Registration of Audiovisual Works (Film Register Treaty)Convention Establishing the world Intellectual Property OrganizationPhonogram ConventionParis Convention for the Protection of Industrial Property (Stockholm Act)International Convention for the Protection of New Varieties of Plants (UPOV 1978). | TRIPS Agreement of the World Trade Organization  WIPO Copyright Treaty (WCT)  WIPO Performances and Phonograms Treaty (WPPT)  Patent Cooperation Treaty (PCT) | Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent ProcedureRegulation under the Patent Cooperation TreatyTrademark Law Treaty (TLT)Brussels Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by SatelliteBeijing Treaty on Audiovisual PerformancesMarrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled |  |
| 1. Measures to ensure the expeditious granting of IP rights
 | The first law concerning patents was enacted by 1850 and by 1931 a comprehensive law on patents, industrial design and trademarks came into effect. The Copyright Law (Law Nº 17,336) was enacted by 1970 and has been amended several times.  Chile became a member of the Paris Convention in 1991 and in the same year a new Industrial Property Law (Law Nº 19,039) was enacted, including patents, utility models, industrial designs and trademarks.  Chile is also a member of the Bern Convention (1971 Act), the Rome Convention (1961) and the Geneva Convention (1971).  By the end of 1994 a new Plant Breeders Right Law (Law Nº 19,342) was enacted and Chile became a member of the UPOV Convention (1978 Act). By the same time, internal regulations on geographical indications for wines locally produced were enacted (Law Nº 18,455, and Decree Nº 464 of 1994 of the Ministry of Agriculture).  The main provisions that regulate intellectual property in Chile are: Offenses and sanctions against patents, utility models and industrial designs are regulated under Law Nº 19.039 and consist basically in the falsification, usurpation, or unauthorized use of patents, utility models and industrial designs.  Criminal offenses and sanctions against trademark offenders are regulated under Law Nº 19.039.Considered criminal infringements to trademarks are the use of an identical or similar trademark , as well as the use of a trademark in any publicity without the authorization of the owner, and those of falsification, imitation and usurpation or unauthorized use of trademarks.  Fines can be increased by 100 % in the case of a second offense. Concerning provisional measures, judges can immediately order the seizure of infringing goods and those that were used in the execution of the offense, without prejudice to other provisional measures.  Criminal offenses and sanctions against copyright and related rights are regulated under Law Nº 17.336 and involve a pecuniary as well as an imprisonment sanction. In the absence of a specific sanction, the law establishes a fine for copyrights and neighboring rights infringement that amounts to US $ 200 to US $ 2021 ( figures as of 2001) . Furthermore, if a court orders payment of damages, it can also order the delivery, sale, or destruction of the copies of the manufactured work and materials utilised for its manufacture and the seizure of the product of recitation, representation, reproduction or execution of the said work | Chile has a highly developed system for the protection of intellectual property rights and in its corresponding use by the private sector. In June 2009, through Law Nº20.254 Chile adhered to the Patent Cooperation Treaty, thus implementing a commitment undertaken by Chile in its FTA’s with the US, EU and EFTA. In addition, Chile has implemented an electronic filing and registration system for industrial property rights. This system is currently available at the INAPI web page, (www.inapi.cl). Further, the referred web page also contains diverse related information. For copyright, the Intellectual Property Department Web site (www.propiedadintelectual.cl) can be consulted to obtain all information necessary to issue an application for registration before the Chilean authority. It must be recalled that the protection is granted by the solely fact of creation, so the registration only is done for publicity purposes  | Since 2009, INAPI has reduced considerably processing timeframes, for both trademarks and patents.INAPI has simplified the renewal proceeding, which are now treated as recordals, which has streamlined the renewal process of a trademark registration. Since 2013 INAPI performs as ISA/IPEA under the PCT system, both in Spanish and English (the later since 2019)Patent Guidelines were launched in 2013. “1 CLICK RENEWALS” In April 2014 this tool was launched. Among its many advantages, the tool saves time and money for trademark holders who have and wish to renew their trademark rights.Since 2018, INAPI has started to use artificial intelligence techniques for the detection of trademarks, in order to facilitate the work of examiners, and improve the quality of their decisions. INAPI has also published trademark registration guidelines, first made available in 2010, and updated in 2018, to guide applicants on trademark registration matters. Paperless proceedings were implemented in 2018.A legislative initiative called “short bill” was submitted to Congress in October 2018, one of its aims is to easing the processing for the granting of IP rightsTrademark Accelerated Examination process: The deadline for the formal examination of TM filed online using pre-approved coverage is 10 days from the filing date.Possibility to apply for patents and trademarks on-line. As from 2019, almost 90% of patent and trademark application are received on-line.In 2018, Chile’s IPR policy agency INAPI continued to introduce administrative and management improvements to strengthen the climate for IPR protection.  These included an increased use of electronic patent applications (86% of applications are online) and electronic signatures, providing significant savings of time.INAPI has reduced the stock of pending patent applications. 86% of its pending patent stock corresponds to applications more recent than three years, similar to USPTO standards    INAPI has reduced the average time of patent application processing to 3.8 years in 2018 – down from 4 years in 2017- and its goal is to reach an average time of 3.5 years.INAPI has reduced its trademark application processing time as well, to less than 5.5 months in average, and only 3.2 months for “clean requests” (those trademark applications that do not raise concerns during the evaluation phase)INAPI has also signed PPH agreements (Patent Prosecution Highways), with patent offices, which allows for expediting the processing of an application that has previously obtained a favourable pronouncement on patentability in one of the concurring offices, which include the China Patent Office, and the United States Patent Office. In Copyright, the Intellectual Property Department has implemented an electronic registration system, available at http://portalservicios.dibam.cl/DDI/IngresoObra | The use of online services offered by INAPI has increased dramatically since first offered in 2015, and currently 63% of the written requests, 79% of the opposition Filings and 89% of trademark applications, were submitted through the online platform.In 2018, advances were implemented by INAPI, with the aim of optimizing the structure and content of the resolutions issued in the trademark registration proceedings and standardizing its decisions. Since 2015, INAPI has made efforts to achieve brief processing time-frames. In 2018, the average timeframe for a trademark application, without an opposition proceeding was of 3.2 months, and of 5.5 months for overall applications. In 2018, pending applications were reduced by 20%, in comparison with 2017, with 90.5% of pending applications having less of a year since first filed.In patent prosecution, 88% of patent applications were filed online in 2018.In total, 3.840 patent applications were filed in 2018, including patents, utility models, layout designs and industrial designs/drawings, a figure that is 10% tan 2017, and 15% of these applications were filed by residents. The online processing system and the digital file have improved the management and resolution of written requests. In this regard, the average time for a written request to be processed or resolved has been reduced year after year by around 30%. In 2018, the reduction was of 38%, in comparison with 2017. Written requests have an average of 7.1 days to be resolved since its submission, either online, or in person.during 2018, 4.001 applications were processed, of which 2.274 correspond to applications filed in 2014 or earlier, which allowed the reduction of long-standing applications by 52%. Furthermore, 62% of the processed applications filed in 2018 were accepted for registration, while only 21% of patent applications were rejected. In general, patent processing average timeframe has been reduced to 3.8 years, for applications that complete the process. When considered separately, for industrial designs and drawings, the average is 1.3 years, while for utility models, the average is 1.9 years, and for patents is 4.2. Globally, applications that do not experience opposition proceedings, have seen a reduction of timeframes of 17%, with respect to 2017.In Copyright, the Intellectual Property Department has implemented an electronic registration system, available at http://portalservicios.dibam.cl/DDI/IngresoObra |
| 1. Measures to provide for the effective enforcement of IP rights
 | Specific laws that regulate intellectual property in Chile are: Law Nº 19.039 – Industrial Property Law Law Nº17.336 – Copyright Law Law Nº. 18.455 and Decree Nº 464/94 concerning the protection of geographical indications. Law Nº. 19.342 concerning the rights of breeders of new varieties of plants. Law Nº 19.223 on Computer Related Crimes Law 19.012 for border measures. | Specific laws that regulate intellectual property in Chile are: Law Nº 19.039 – Industrial Property Law Law Nº17.336 – Copyright Law Law Nº. 18.455 and Decree Nº 464/94 concerning the protection of geographical indications. Law Nº. 19.342 concerning the rights of breeders of new varieties of plants. Law 19.912: Miscellaneous Law to implement specific World Trade Organization provisions Unfair Competition Act (Law 20.169) Law Nº 19.223 on Computer Related Crimes  A whole new chapter for undisclosed information was introduced to the Industrial Property Act in 2005 (Law 19.996) to protect both trade secrets and undisclosed data of new chemical entities submitted to government agencies for approval of pharmaceutical and agricultural chemical products. Regarding the latter, the protection of pharmaceutical products extends for a 5-year term, while agricultural chemical products are subject to a 10-year term.  Protection of undisclosed data of pharmaceutical products is under the jurisdiction of the Institute of Public Health, while protection of undisclosed data of agro-chemical products is under the control of the Agriculture and Livestock Service. These government agencies are obliged to protect undisclosed information submitted to them in the process of sanitary registration against disclosure and, additionally are not entitled during the term of protection to grant sanitary registrations based on that protected data.  In addition to substantive provisions of the Industrial Property Act, Decree 153 of the Ministry of Health regulates the procedure to obtain protection for undisclosed information of pharmaceutical products that are new chemical entities.  | Specific laws that regulate intellectual property in Chile are: [Law N° 19.039 on Industrial Property (Consolidated Text of February 6, 2012, approved by Decree-Law N° 3 and)](https://wipolex.wipo.int/en/legislation/details/15098) (modified Law N°20.569)[Law N° 17.336 on Intellectual Property (as amended up to Law N° 21.045 of November 3, 2017)](https://wipolex.wipo.int/en/legislation/details/18880)In the field of copyright, Law N° 20.435 established a new system of sanctions, updating existing criminal types and defining new offences; it simplified civil and criminal procedures, establishing special precautionary measures and increased powers to investigate offences; and it regulated the limitation of liability of Internet service providers, establishing a notice & take down system.[Decree-Law N° 213/1953 on the Customs Ordinance (Consolidated Text of November 2, 2018, approved by Decree-Law N° 30)](https://wipolex.wipo.int/en/legislation/details/18964)[Decree-Law N° 211/1973 on Protection of Free Competition (Consolidated Text of August 30, 2016, approved by Decree-Law N° 1)](https://wipolex.wipo.int/en/legislation/details/16369)[Law N° 19.496 on Consumer Protection (as amended up to Law N° 21.081 of September 13, 2018)](https://wipolex.wipo.int/en/legislation/details/16376)[Tax Code (promulgated by Decree-Law N° 830) (as amended up to Law N° 21.130 of January 12, 2019)](https://wipolex.wipo.int/en/legislation/details/18873)[Health Code (promulgated by Decree-Law N° 725, and amended up to Law N° 21.030, 2017)](https://wipolex.wipo.int/en/legislation/details/18882) [Law N° 19.227 creating the National Fund for the Promotion of Books and Reading (as amended up to Law N° 21.045)](https://wipolex.wipo.int/en/legislation/details/18883)[Law N° 20.606 on Nutritional Composition of Food and Food Advertising (as amended by Law N° 20.869 on Food Advertising)](https://wipolex.wipo.int/en/legislation/details/16343)[Law N° 20.750 on the Introduction of Digital Terrestrial Television](https://wipolex.wipo.int/en/legislation/details/16354) (2014)[Securities Market Law (Law N° 18045, as amended up to Law No. 20720 of January 9, 2014)](https://wipolex.wipo.int/en/legislation/details/18874) [Law N° 20.169 regulating Unfair Competition (as amended by Law N° 20.416 fixing Special Rules for Small Companies)](https://wipolex.wipo.int/en/legislation/details/16340)Law Nº 18.455 and Decree Nº 464/94 concerning the protection of geographical indications. Law Nº 19.342 concerning the rights of breeders of new varieties of plants. Law N° 19.912: Miscellaneous Law to implement specific World Trade Organization provisions Law Nº 19.223 on Computer Related Crimes  Law N° 20.254 establishing the National Institute of Industrial PropertyLaw N° 20.243 on the moral and economic rights of performers in their performances fixed in audiovisual mediaDecree-Law N° 213 of 1953 on the Customs Ordinance (Consolidated Act approved by Decree-Law No. 30)Decree N° 464 of 1994 establishing a wine zoning and rules for its useRegulations for the Execution of Law N° 18.455 that establishes the Rules for the Production, Elaboration and Commercialization of Ethyl Alcohols, Alcoholic Beverages and Vinegars (approved by Decree No. 78) (2011) | In late 2005 (Law Nº 19.996) a major amendment to the Industrial Property Law came into force. This modification provides for an effective and timely-fashion enforcement system. In cases of civil jurisdiction the procedure applied for IP infringements is the “summary procedure”, which is the most expeditious procedure in Chile, and the possibility to request injunctions. In 2010, the Copyright Act was amended (Law No. 20.435) establishing a new system of sanctions, updating existing criminal types and defining new offences; it simplified civil and criminal procedures, establishing special precautionary measures and increased powers to investigate offences; and it regulated the limitation of liability of Internet service providers, establishing a notice & take down system.The Customs Agency has the authority to takeborder measures. The law provides for two types of procedures before Customs: (a) at the request of a party and (b) ex officio by Customs.The Customs Agency may suspend the clearance of goods for a maximum of 5 working days in the case of copyright or trademark counterfeiting, all without prejudice to the competence of judges. |
| 1. Measures to harmonise IP rights systems in the APEC region
 | In 1996 Chile had recently engaged in negotiations of Free Trade Agreements with two APEC members (Mexico & Canada). These negotiations included certain general commitments in the area of Intellectual Property. | Chile has successfully negotiated Free Trade Agreements which all include in some way Intellectual Property provision with 10 APEC Member Economies | Chile has successfully negotiated Free Trade and Economic Partnership Agreements with 13 APEC Member Economies, all of which include in some way Intellectual Property provisions. | Chile through FTA negotiations has sought to include IP issues based on its quest to achieve balanced IP systems. |
| 1. Public education about IP
 | Although in 1996 general public education policies related to trade where being developed including certain general information regarding IP. | The Chilean Government has carried out several seminars, which included topics as the current laws for the protection of intellectual property rights, protection of plant varieties, enforcement, as well as the new IPR obligations that Chile has acquired after signature of bilateral trade agreements with relevant trade-partners.  In addition, Chile has hosted seminars, in cooperation with WIPO and the United Nations in such topics as IP national policy, technology transfer, and creation of technology based companies, biotechnology, and patents as a part of the productive process.  Special seminars for judges were held in 2007 and 2008. The aim was to introduce judges of all across the country in IPR related issues The | The Chilean Government has continued carrying out several seminars, and activities, tending to educate and inform the public on the importance and mission of Intellectual Property in innovation and the advancement of society, in a global environment. Some of the initiatives undertaken include workshops, organized in association with the World Intellectual Property Organization (WIPO), on information and patent research and the provsion of information services.Additionally, as the result of a collaboration between INAPI and Start-Up Chile, every Wednesday, entrepreneurs were able to meet with INAPI, in order to receive advice and orientation on Intellectual Property matters, including proper protection tools for innovation.INAPI has also carried out support programs for technology transfer, named “Moved your Innovation to Industry”, which offers training in technology transfer matters to innovators. INAPI has also put into place a Master Class IP, for the training of senior management companies, with the aim to enable companies to design and develop their own IP strategy.  | INAPI has made available to the public Reports on Public domain Technologies. In 2018, 13 reports on public domain technologies were published by INAPI.Industrial Property Training Programs have also been held. In 2018, 92 talks and training workshops took place throughout the country, with 3.114 persons trained in total, both in person as well as via remote connections. Capacity building programmes have also been put into place, for professionals from public and private organizations, in the field of intellectual property, and raise awareness to the professionals who carry out R&D activities with respect to the characteristics and requirements their developments must meet to be eligible for IP protection.On Copyright, seminars and workshops have also been organized by the Copyright Office, aimed at educating the public on the importance of copyright and its protection, including seminars in both the capital and regions, in several topics, including literary and audio-visual works, and for a diverse public. Additionally, the Copyright Office has also promoted copyright through the production of audio-visual works, aimed at educating the public on the core contents of copyright. |
| 1. International cooperation on IP rights
 | Since the creation of the APEC – IPEG by the CTI in 1996, Chile has been an active member of this group participating in different projects dedicated to the issue of IP. | Chile is an active member of the APEC –IPEG and, in the context of this specialized IP group has participated in different projects in APEC. Chile was benefited in 2005 -6 with three cooperation projects under TILF, namely, a new web site for the copyright office, a Small and Medium enterprise publication related to IP and the translations to English of some pages of the IPR Registry.  | Chile has continued its active participation APEC –IPEG, and has continued its participation participated in different projects in APEC relating to Intellectual Property Matters. |  |
| 1. Measures to promote transparency of IP rights requirement (for example, the APEC Leaders’ Transparency Standards)
 | A general administrative rule established that every act done by Government agencies must be public; also judicial orders are public, unless in exceptional case upon but all of them must be reasoned. In addition drafts for establish or amend regulations that could affect private sector must be published for comments and the authority must reply every comment done under this consultations process | A general Access to Public Information Law (Nº 20285) established that every act done by Government agencies must be public; also judicial orders are public, unless in exceptional cases upon but all of them must be justified. The act also establishes a specific council (Transparency Council) that has the specific task of promoting transparency related to public functions as well the oversight of the transparency norms established within the Act. The Counsel is also entitled to rule over cases where public access has been deigned.  | Chile currently has highly developed digital platforms to access and consult IP related information.At the same time during registration proceedings, decisions are justified and are publicly available regularly by electronic means. INAPI has made available to the public Reports on Public domain Technologies. In 2018, 13 reports on public domain technologies were published by INAPI. The Transparency Act establishes a new institutional framework in order to ensure and regulate the principle of transparency across the board in all public acts and the right to access of information regarding these acts.  |  |
| **8. Competition Policy** |  |  |  |  |
| (1)     Development of competition laws and establishment of competition authority | (Existence or nonexistence of competition laws and authority) There was a Competition Act, theDecree Law No. 211, enacted in 1973.Regarding the competition institutions, the law created a tripartite institutional framework:an enforcement agency (the National Economic Prosecutor’sOffice, FNE), a special tribunal (the Antitrust Commission), and a number of administrative Preventative Commissions.  | (Existence or nonexistence of competition laws and authority) There is an improved legal framework for competition issues, the Law N° 20 361, enacted in July 13th 2009, in effect since October, 2009. Since 2004 the institutional framework is well defined:- The FNE, or National Economic Prosecutor’s Office, is the agency in charge of safeguarding economic competition in domestic markets. The FNE is part of the Executive and its main function is to investigate any deeds, conducts or contracts which tend to restrict or hinder competition, and when necessary, bring the case to the specialized court. The FNE is essentially an investigative agency and as such it does not have adjudicative functions. - According to the Competition Act, the FNE also deals with the promotion of competition.- The Competition Tribunal (Tribunal de Defensa de la Libre Competencia, or TDLC by its Spanish acronym), is an independent judicial body, subject to the Supreme Court of Justice. Its function is to hear adversarial and non-adversarial competition cases presented by the FNE or by any private or public entity. The decisions of the TDLC may be punitive, restrictive or corrective.- The Supreme Court of Justice review, upon appeal, not merely the observance of the due process but also the merits of the TDLC’s rulings. | (Existence or nonexistence of competition laws and authority) The institutional framework regarding competition policy has remained as informed in 2009. In 2016, the Antitrust Law was amended, with improvements in enforcement for the FNE, as well as adding new powers.  | **Major achievements**:- Improvements of legal frameworkLaw N° 20.945, enacted in August 2016, contain the following main ammendments:o          strengthening the deterrence effect of cartel persecution by increasing the fines proportional to illegal gains obtained or in accordance to annual sales, as well as criminal persecution of grave and hard cartels, including imprisonment for executives found guilty.o          mandatory notification system for merger review, in which after certain thresholds, mergers could only be approved by the competent authority.o          new powers to the antitrust agency to conduct market research and request information to private undertakings for such effects. These new powers also include some tools that will help in the antitrust agency’s functions, such as the possibility to make legislative recommendations; financial fines to market agents that do not appear before the antitrust agency or do not provide the information required by the antitrust agency, without prior justification; and imprisonment to those that provide false information. **Best Practices**:- Transparency – Certainty about proceduresMore guidelines have been publishes since 2009, with the view to improving predictability and certainty regarding procedures. Ordered by year, the following guidelines have been published by the FNE:In 2014, “Guide for the Analysis of Vertical Restraints”.In 2016 “Code of Ethics” .In 2017 “Internal Guidelines on Leniency in Cartel Cases” and “Internal Guidelines on market research studies”.In 2018 “Internal Guidelines on Filing of complaints related to Collusion offenses”.In 2019 “Internal Guidelines on applications for fines by FNE”.  |
| (2)     Consistency with APEC Principles to Enhance Competition Policy and Deregulation and efforts to become consistent with the Principles | (All, Most, Some, None) Some | (All, Most, Some, None) Most | (All, Most, Some, None) Most | Competition advocacy: Since 2009, great progress was achieved in the issues of competition advocacy. Firstly, a market studies division was created by the FNE,in order to identify competition problems which are not necessarily infractions, but dealing with the identified problems would help improve free competition. Also, during these years, there was high collaboration with academia to further enhance competition policy. Comprehensiveness in Implementation of Competition Policy: In 2016, mandatory merger notification regime was established, in line with international best practices. This amendment is in line with the protection of the competitive process and the creation and maintenance of an environment for free and fair competition.  |
| (3)     International cooperation on Competition law/policy | (Description of illustrative measures) No | (Description of illustrative measures) Yes | (Description of illustrative measures) Yes | The FNE has an active role in several international fora, such as:- OECD Competition Committee (observer)- International Competition Network- ICN- APEC Economic Committee – Competition Policy and Law Group- United Nations Conference on Trade and Development Since 2009, many new Free Trade Agreements, that include a Competition Policy Chapter, entered into force, namely: Argentina, Hong Kong China, and Uruguay . Also, FNE has sought internationalcooperation by signing memoranda of understanding or cooperation agreements with foreign competition agencies, including: Colombia and Perú, Perú and United States. All of these agreements include provisions about cooperation, information exchange and technical assistance, among others.  |
| **9. Government Procurement** |  |  |  |  |
| 1. Increasing transparency of laws, regulations, bidding system, and how to determine bidding qualifications and bid winners
 | Chile lacks a single procurementsystem or procedure for the publicsector. In general, publicprocurement should observe theprinciples of non-discrimation,efficiency, transparency andintegrity embodied inconstitutional and legal standards.The Office of theComptroller-General, anindependent agency, isresponsible for ensuring that theseprinciples are observed. Publicentities and municipalities (localgovernments) are responsible fortheir own procurement and,according to the authorities, moreautonomy has been granted tothese entities. Two Stateinstitutions, the State Directorateof Procurement (DAE), and theNational Health Supplies Centre(CENABAS) are in charge ofacquiring, storing and distributingmovable goods (bienes muebles)necessary for the functioning ofthe Public Administration. TheDirectorate will purchase adomestically produced goodrather than a foreign good, if thenational good is of equal price andquality to the foreign one. Theauthorities noted that it is notmandatory for public entities topurchase from thesetwo institutions; only 2-3 per centof total public procurement was undertaken by the DAE in the pastthree years. | Chile has significantly reformed its regime for governmentprocurement of goods and services since 2003 in order tomake it more transparent and efficient, inter alia, through theuse of an electronic procurement platform. The reforms wereenvisaged as practical improvements and they have expandedparticipation by suppliers and buyers in the governmentprocurement market. There is no discrimination whatsoeveras regards products, services and suppliers according to theirorigin.The main reforms introduced by Law No. 19.886 (on July2003), include the creation of the Dirección de Compras yContratación Pública - DCCP (Directorate of Purchasing andGovernment Procurement) of the Ministry of Finance, whichis responsible for implementing the relevant governmentpolicy, as well as the creation of an electronic informationsystem for purchasing and government procurement(ChileCompra), through which all entities covered by Law No.19.886 must quote prices, invite bids, source contractors,award contracts and carry out procurement procedures forgoods, services and public works (even though the latter arenot subject to the law). This electronic procurementinformation system is open to the public and free of chargeand is managed by the DCCP. Law No. 19.886 also set up theRegistro Nacional de Proveedores de la AdministraciónPública (National Register of Public AdministrationSuppliers)1 and the Government Procurement TribunalThere is no provision in the legislation for margins ofpreference for national suppliers and no discrimination amongproducts, services and suppliers according to their origin. Noris there any provision for offsets as a condition for awarding acontract.There is no unified regulatory framework for public works andthe procurement procedures are governed by the individualorganic laws pertaining to government and municipalauthorities. Nevertheless, the regulations of the Ministry ofPublic Works (MOP) establish the guidelines followed byother entities. A World Bank study in 2004 found that the MOP's bid evaluation and contract award procedures wereopen and transparent. | During 2008 a modification of the law No. 19.886 and its relatedregulation was proposed to congress with the objective of increasingtransparency, via facilitating access to information to both citizensand suppliers. These modifications entered into force on October2009.In January 2005, new MOP regulations on public works contractscame into force, introducing changes aimed inter alia at improvingtransparency, simplifying and streamlining the management ofpublic works contracts, making the register of contractors moreefficient and specifying the channels for appeals. | In January 2009 Chile Compra launched a Directive related to prevent the collusion between suppliers (Directive N°11). This instruction aims to identify the collusion actions o manifestations. This Directive grants several recommendations and best practices to avoid this misconduct in the process of procurement.In relation to the bidding system, in 2018 Chile Compra approved the Directive N°29 to recommend the use of joint procurement. That means combining the procurement actions of two or more contracting authorities. The key defining characteristic is that there should be only one tender published on behalf of all participating authorities.The government of President Piñera announced on July 25th 2019 the State Modernization Agenda reaffirmed the commitment to a more accessible State that manages to anticipate the needs of citizens. This Agenda includes 3 main pillars:Greater savings and efficiency: focus on the State making purchases at good prices. To do this, we work on a set of initiatives that involve redesign of Framework Agreements in order to have catalogues of products ordered and that allow buying more optimally, while not limiting competition between suppliers; the design of new purchase mechanisms; the coordination of services for centralized - coordinated purchases, among others.Operational efficiency: focus on reducing the operational cost of procurement processes for public entities and for ChileCompra. The main initiatives in this area involve the ChileCompra zero paper project, which involves the digitalization of all purchasing processes; the development and availability of standard bases for tenders previously approved by the Comptroller; the operational simplification of the purchase processes; the development of a secure mechanism for purchases of smaller amounts, among others.Monitoring and intelligence: focus on monitoring that purchases in the public sector are maintained in a course of probity and transparency, while identifying opportunities for improvement. Initiatives in this area are the development of price intelligence, in order to duly inform the services if they are buying at the best possible prices within the corresponding category; the identification of coordinated purchasing opportunities that maximize prices; the strengthening of the ChileCompra observatory, so that its recommendations are useful for the management of the chiefs of services, among other. |
| 1. Restrictions on foreign goods, services or suppliers, or preferences to domestic suppliers
 | Some | None | None | None |
| 1. Reciprocity requirements in providing access to government procurement markets
 | not existing | not existing | not existing | not existing |
| 1. Consistency with the APEC Non-binding Principles on Government Procurement
 | Most | All | Under Law No. 19.886, in September 2005 the GovernmentProcurement Tribunal was set up as a specialized and independentjurisdictional body of the State Administration. The Tribunal isempowered to hear and decide on action taken to challenge anyillegal or arbitrary act or omission that may have occurred betweenthe approval of the tender specifications and the award of thecontract in procurement procedures by government entities,including those concerning public works. Any natural or legalperson having a proven interest in a procurement procedure maysubmit an application to the Tribunal challenging the award withinten working days from the time when the contested act or omissionbecame known or after its publication | Between 2013 and 2015, the ChileCompra Observatory was implemented. This is a proactive entity for the monitoring of possible irregularities. The ChileCompra Observatory promotes a standard of quality and good practices in the processes carried out by the 850 public entities through the Chile Compra platform, in order to increase the levels of transparency, integrity and efficiency in public procurement.It includes a system of alerts, monitoring and active management as tools for detecting gaps and improvement points in bidding processes; as well as a complaints platform, complaints channel and an early warning system. |
| 1. Introduction of electronic means for government procurement
 | Not introduced) | Not introduced | The electronic platform has been greatly improved since 2005 (Seewww.chilecompra.cl) | In January 2017 the Ministry of Public Works announced the first tender published in the electronic platform of ChileCompra, thus initiating a gradual process to move all the notices of Public Works in the ChileCompra Platform. In 2019 the 88% of Public Works (by amount of contracts) was published in the electronic platform of ChileCompra. |
| **10. Deregulation/ Regulatory Reform** |  |  |  |  |
| 1. Reviews of existing regulations
 | (All, Most, Some, None) | (All, Most, Some, None) | (All, Most, Some, None) |  |
| 1. Reviews of new or proposed regulations
 | (All, Most, Some, None) | (All, Most, Some, None) | (All, Most, Some, None) |  |
| 1. Consistency with APEC Principles to Enhance Competition and Regulatory Reform
 | (All, Most, Some, None) | (All, Most, Some, None) | (All, Most, Some, None) |  |
| 1. Improving transparency in regulatory regimes
 | (Description of illustrative measures) | (Description of illustrative measures) | (Description of illustrative measures) |  |
| **11. WTO Obligation/ Rules of Origin** |  |  |  |  |
| 1. WTO/UR Agreements not yet fully implemented
 | None. Chile has fully implemented all its WTO obligations | None. Chile has fully implemented all its WTO obligations | None. Chile has fully implemented all its WTO obligations |  |
| 1. Ensuring application of rules of origin in an impartial, transparent and neutral manner
 | None. Chile has fully implemented all its WTO obligations | Chile through our FTA´s guarantees the correct and fairapplication of the rules of the origin. | Chile through our FTA´s guarantees the correct and fairapplication of the rules of the origin. |  |
| **12. Dispute Mediation** |  |  |  |  |
| Dispute mediation methods, process and bodies are available to foreign businesses | (List of methods) | Litigation, Arbitration and Mediation (domestic and international). As a general rule, any person is allowed to file a claim before a national court. On a regular basis, the first instance sentence can be appealed before the Appeal Court of the respective jurisdiction. (Chile has 17 Appeal Courts). Finally, a sentence can be revised by the Supreme Court of Chile. Law 19.971 on international commercial arbitration regulates any dispute between a national of Chile and a foreign party or between two foreign parties. This law is based on the UNCITRAL model law. Law 19.971 is available at http://www.leychile.cl/Navegar?idNorma=230697 Chile has two main private arbitration centres, namely: An Arbitration and Mediation Centre belonging to the Santiago Chamber of Commerce. This centre was established in order to facilitate the settlement of commercial disputes between private parties. The arbitration centre operates since 1993. Since September 1996 a mediation service is available at the Chamber. A roster of highly qualified arbitrators is available at the Centre.The National Centre of Arbitration. Established in 2007, it was set up in order to modernise the arbitration, widen its scope of application and foster the use of alternative disputes resolution. A roster of highly qualified arbitrators is available at the Centre. Chile has in forced the following conventions: The Convention on the Settlement of Investment Disputes between States and Nationals of Other States (ICSID) The New York Convention on the Recognition & Enforcement of Foreign Arbitral Awards.The Panama Convention on Inter-American Convention on International Commercial Arbitration. Under the FTAs signed by Chile, the investment chapter establishes an investor-State dispute settlement mechanism. This mechanism allows the investor to file a claim before an international arbitral tribunal.The investor chooses the procedure either the ICSID rules or UNCITRAL rules. | Chile has signed, in August the 7th of 2019, in Singapore, the United Nations Convention on International Settlement Agreements Resulting from Mediation. |  |
| **13. Mobility of Business People** |  |  |  |  |
| 1. Number of visa free or visa waiver arrangements
 | (Number of arrangements) | (Number of arrangements) | (Number of arrangements) |  |
| Visa free or visa waiver arrangements with APEC member economies | (List of economies)  | (List of economies)  | (List of economies)  |  |
| 1. Participation in the APEC Business Travel Card scheme
 | (Yes, No) | (Yes, No) | Yes |  |
| 1. Other efforts to facilitate mobility of business people than the above
 | (Description of illustrative measures) | (Description of illustrative measures) | (Description of illustrative measures) |  |
| 1. Average time to approve for short term business visit visa
 | (Days and description of illustrative measures) | (Days and description of illustrative measures) | (Days and description of illustrative measures) |  |
| **14. Trade Facilitation** |  |  |  |  |
| 1. Consistency with APEC Principles on Trade Facilitation
 | -- | (All, Most, Some, None) | (All, Most, Some, None) |  |
| 1. Implementation of Trade Facilitation Action and Measures (approved in 2002)
 | (Number of items implemented as of 2004) | (Number of items implemented) | (Number of items implemented) |  |
| **15. Promotion of High-Quality RTAs/FTAs** |  |  |  |  |
| 1. Number of RTAs/FTAs concluded/signed
 | (Number of agreements) 7 | (Number of agreements)23 | (Number of agreements)32 |  |
| RTAs/FTAs concluded/signes with APEC member economies | (List of agreements)Canada | (List of agreements)Australia, Brunei Darussalam, Canada, China, Japan, Korea, Mexico, New Zealand, Peru, Singapore; U.S.Trans-Pacific Strategic Economic Partnership (New Zealand, Brunei, Singapore and Chile | (List of agreements)Australia, Brunei Darussalam, Canada, Chile, China, Hong Kong, Indonesia, Japan, Korea, Malaysia, Mexico, New Zealand, Peru, Singapore; Thailand, United States and Vietnam. | \* Digital Economy Partnership Agreement (DEPA) with Singapore and New Zealand, which represents a new form of economic engagement and trade in the digital era. The DEPA is a comprehensive and forward-looking pathfinder agreement that addresses key issues in the digital economy. In January 2020, the parties to the DEPA concluded the substantial negotiations.\* The Comprehensive and Progressive Agreement for Transpacific Partnership (CPTPP) was signed by Chile but is still not approved by the Congress.  |
| 1. Number of RTAs/FTAs under negotiation
 | (Number of agreements) 1 Canada | (Number of agreements)4 Malaysia, Vietnam, Nicaragua and Turkey | (Number of agreements)6 Pacific Alliance - Australia, Canada, New Zealand, Singapore; European Union (Modernization Agreement); Korea; India, Ecuador and EFTA |  |
| RTAs/FTAs being negotiated with APEC member economies | (List of agreements)Canada | (List of agreements and date of last round of negotiations)Malaysia (10 rounds, May 2010)Vietnam (8 rounds, June 2011)TPP  | (List of agreements and date of last round of negotiations)Pacific Alliance – Australia, Canada, New Zealand, Singapore (8 rounds, October 2019)Korea, upgrade of the Free Trade Agreement (3 rounds, October 2019)  |  |
| 1. Consistency with APEC Model Measures for RTAs and FTAs
 | (Description of Consistency with APEC Model Measures) | (Description of Consistency with APEC Model Measures) | (Description of Consistency with APEC Model Measures) |  |
| **16. Voluntary Self-Reporting** |  |  |  |  |
| 1. Other Efforts in Support of the Bogor Goals: (Description)
 | (Description of illustrative measures) | (Description of illustrative measures) | (Description of illustrative measures) |  |
| 1. *As needed for other actions*
 |  |  |  |  |
| 1. *As needed for other actions*
 |  |  |  |  |