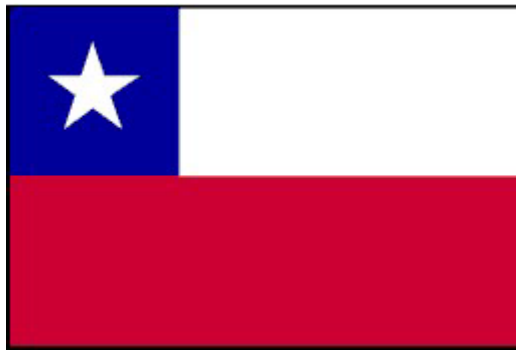


CHILE



Information of 13 January 2025
[*OJL, 2025/67, 13.1.2025*](#)

Council Decision of 18 March 2024
[*OJL, 2024/3016, 20.12.2024*](#)

Council Decision of 4 December 2023
[*OJL, 2023/2761, 7.12.2023*](#)

Agreement, Article 3.24
[*OJL, 2024/2953, 20.12.2024*](#)

Agreement, Article 4.4
[*OJL, 2024/2953, 20.12.2024*](#)

Protocol
[*OJL, 2024/2953, 20.12.2024*](#)

**Notice concerning the date of entry into force of the Interim Agreement on Trade
between the European Union and the Republic of Chile [2025/67]**

The Interim Agreement on Trade between the European Union and the Republic of Chile
(¹), signed in Brussels on 13 December 2023, will enter into force on 1 February 2025.

(¹) OJ L, 2024/2953, 20.12.2024, ELI: http://data.europa.eu/eli/agree_internation/2024/2953/oj.

**COUNCIL DECISION (EU) 2024/3016
of 18 March 2024**

**on the conclusion, on behalf of the European Union, of the Interim Agreement on
Trade between the European Union and the Republic of Chile**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91(1), Article 100(2), and Article 207(4), first subparagraph, in conjunction with Article 218(6), second subparagraph, point (a)(v), and Article 218(7) thereof,

Having regard to the proposal from the European Commission, Having regard to the consent of the European Parliament ⁽¹⁾,

Whereas:

(1) In accordance with Council Decision (EU) 2023/2761 (²), the Interim Agreement on Trade between the European Union and the Republic of Chile (the ‘Agreement’) was signed on 13 December 2023, subject to the conclusion of the Agreement at a later date. In accordance with that Decision, the Joint Statement by the European Union and the Republic of Chile on the Provisions on Trade and Sustainable Development contained in the Interim Agreement on Trade between the European Union and the Republic of Chile, attached to the Agreement, was approved on behalf of the Union.

(2) The Agreement should be approved on behalf of the Union.

(3) Pursuant to Article 218(7) of the Treaty on the Functioning of the European Union, it is appropriate to authorise the Commission to approve on the Union’s behalf certain modifications to the Agreement that are to be adopted by a simplified procedure pursuant to Articles 21.20 and 33.11(6) of the Agreement, and by a body set up by the Agreement pursuant to Article 25.34 and subparagraph (a) (x) of Article 33.1(6) thereof.

(4) The Agreement does not, in accordance with Article 33.14 thereof, within the Union, confer rights or impose obligations on persons, other than those created between the Parties under public international law,

HAS ADOPTED THIS DECISION:

Article 1

The Interim Agreement on Trade between the European Union and the Republic of Chile ⁽³⁾ is hereby approved on behalf of the Union.

¹ Consent of 29 February 2024 (not yet published in the Official Journal).

² Council Decision (EU) 2023/2761 of 4 December 2023 on the signing, on behalf of the European Union, of the Interim Agreement on Trade between the European Union and the Republic of Chile (OJ L, 2023/2761, 7.12.2023, ELI: <http://data.europa.eu/eli/dec/2023/2761/oj>).

³ The text of the Agreement is published in OJ L, 2024/2953, 20.12.2024, ELI: http://data.europa.eu/eli/agree_internation/2024/2953/oj.

Article 2

For the purposes of Article 21.20 of the Agreement, any modification or rectification of Annexes 21-A and 21-B to the Agreement shall be approved by the Commission on behalf of the Union, following consultation of the Trade Policy Committee.

Article 3

For the purposes of Article 25.34 and subparagraph (a)(x) of Article 33.1(6) of the Agreement, any amendment to Annex 25-C to the Agreement shall be approved by the Commission on behalf of the Union, following consultation of the Trade Policy Committee.

Article 4

For the purposes of Article 33.11(6) of the Agreement, the following shall be approved by the Commission on behalf of the Union, following consultation of the Trade Policy Committee: (a) any amendment to the appendices to the Agreement on Trade in Wines in Annex V to the Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part⁽⁴⁾, signed on 18 November 2002 (the 'Association Agreement'), as incorporated into the Agreement; (b) any amendment to the appendices to the Agreement on Trade in Spirit Drinks and Aromatised Drinks in Annex VI to the Association Agreement, as incorporated into the Agreement.

Article 5

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 33.9(1) of the Agreement, in order to express the consent of the Union to be bound by the Agreement⁽⁵⁾.

Article 6

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 18 March 2024.

For the Council
The President
J. BORRELL FONTELLES

⁴ OJ L 352, 30.12.2002, p. 3.

⁵ The date of entry into force of the Agreement will be published in the Official Journal of the European Union by the General Secretariat of the Council.

COUNCIL DECISION (EU) 2023/2761
of 4 December 2023

**on the signing, on behalf of the European Union, of the Interim Agreement on Trade
between the European Union and the Republic of Chile**

THE COUNCIL OF THE EUROPEAN UNION, Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91(1), Article 100(2), and Article 207(4), first subparagraph, in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) On 13 November 2017, the Council authorised the Commission and the High Representative of the Union for Foreign Affairs and Security Policy to open negotiations with Chile on a modernised agreement with Chile to replace the Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part ⁽¹⁾ (the ‘Association Agreement’).

(2) On 9 December 2022, the negotiations between the Union and Chile were successfully concluded.

(3) The modernisation of the Association Agreement envisages two parallel legal instruments. The first instrument is the Advanced Framework Agreement between the European Union and its Member States, of the one part, and the Republic of Chile, of the other part (the ‘Advanced Framework Agreement’), which includes: the Political and Cooperation pillar, and the Trade and Investment pillar, which encompasses investment protection provisions. The second instrument is the Interim Agreement on Trade between the European Union and the Republic of Chile (the ‘Agreement’), which covers trade and investment liberalisation. The Agreement will cease to have effect and be replaced by the Advanced Framework Agreement upon entry into force of the latter.

(4) The Agreement should be signed on behalf of the Union, subject to its conclusion at a later date and the Joint Statement on the Provisions on Trade and Sustainable Development contained in the Interim Agreement on Trade between the European Union and the Republic of Chile (the ‘Joint Statement’), attached to the Agreement should be approved on behalf of the Union,

HAS ADOPTED THIS DECISION:

Article 1

The signing on behalf of the Union of the Interim Agreement on Trade between the European Union and the Republic of Chile ⁽²⁾ is hereby authorised, subject to the

¹ OJ L 352, 30.12.2002, p. 3.

² The text of the Agreement will be published together with the decision on its conclusion

conclusion of the said Agreement.

Article 2

The Joint Statement attached to the Agreement shall be approved on behalf of the Union.

Article 3

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Union.

Article 4

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 4 December 2023.

For the Council
The President
F. BOLAÑOS GARCÍA

**INTERIM AGREEMENT ON TRADE BETWEEN THE EUROPEAN UNION AND THE
REPUBLIC OF CHILE**

[...]

**CHAPTER 3
RULES OF ORIGIN AND ORIGIN PROCEDURES**

[...]

**SECTION B
ORIGIN PROCEDURES**

[...]

ARTICLE 3.24

Mutual assistance in the fight against fraud

In case of a suspected breach of this Chapter, the Parties shall provide each other with mutual assistance, in accordance with the Protocol to this Agreement on Mutual Administrative Assistance in Customs Matters.

[...]

**CHAPTER 4
CUSTOMS AND TRADE FACILITATION**

[...]

ARTICLE 4.3

Customs cooperation

1. The Parties shall cooperate on customs matters between their respective customs authorities in order to ensure that the objectives set out in Article 4.1 are attained.
2. The Parties shall develop cooperation, including by:
 - (a) exchanging information concerning customs laws and regulations and their implementation, and customs procedures, particularly in the following areas:

[...]
 - (j) exchanging, if relevant and appropriate, through a structured and recurrent communication between their customs authorities, certain categories of customs-related information for specific purposes, namely improving risk management and the effectiveness of customs controls, targeting goods at risk in terms of revenue collections or safety and security, and facilitating legitimate trade; such exchange shall be without prejudice to exchanges of information that may take place between the Parties in accordance with the Protocol to this Agreement on Mutual Administrative Assistance in Customs Matters.

[...]

ARTICLE 4.4

Mutual administrative assistance

The Parties shall provide each other with mutual administrative assistance in customs matters in accordance with the Protocol to this Agreement on Mutual Administrative Assistance in Customs Matters.

PROTOCOL TO THE INTERIM AGREEMENT ON TRADE BETWEEN THE EUROPEAN UNION AND THE REPUBLIC OF CHILE ON MUTUAL ADMINISTRATIVE ASSISTANCE IN CUSTOMS MATTERS

ARTICLE 1

Definitions

For the purposes of this Protocol:

- (a) ‘applicant authority’ means a competent administrative authority which has been designated by a Party for that purpose and which makes a request for assistance on the basis of this Protocol;
- (b) ‘customs legislation’ means any laws or regulations applicable in the territory of a Party which govern the import, export and transit of goods and their placing under any other customs regime or procedure, including measures of prohibition, restriction and control;
- (c) ‘information’ means any data, document, image, report, communication or authenticated copy, in any format, including electronic, whether or not processed or analysed;
- (d) ‘operation in breach of customs legislation’ means any violation or attempted violation of customs legislation; and
- (e) ‘requested authority’ means a competent administrative authority which has been designated by a Party for that purpose and which receives a request for assistance on the basis of this Protocol.

ARTICLE 2

Scope

1. The Parties shall assist each other, in the areas within their competence and in the manner and under the conditions laid down in this Protocol, to ensure the correct application of customs legislation, in particular by preventing, investigating and combating operations in breach of that legislation.
2. Assistance in customs matters, as provided for in this Protocol, applies to any administrative authority of a Party which is competent for the application of this Protocol. That assistance shall neither prejudice the provisions governing mutual assistance in criminal matters nor cover information obtained under powers exercised on request of a judicial authority, except where communication of such information is authorised by that authority.
3. Assistance to recover duties, taxes or fines is not covered by this Protocol.

ARTICLE 3

Assistance on request

1. On request of the applicant authority, the requested authority shall provide it with all relevant information which may enable it to ensure that customs legislation is correctly applied, including information related to noted or planned activities which are or could be operations in breach of customs legislation.
2. On request of the applicant authority, the requested authority shall provide information on whether:

- (a) goods exported from the territory of a Party have been properly imported into the territory of the other Party, specifying, where appropriate, the customs procedure applied to the goods;
- (b) goods imported into the territory of a Party have been properly exported from the territory of the other Party, specifying, where appropriate, the customs procedure applied to the goods.

3. On request of the applicant authority, the requested authority shall, within the framework of its laws and regulations, take the necessary steps to ensure special surveillance of:

- (a) natural or juridical persons in respect of whom there are reasonable grounds for believing that they are or have been involved in operations in breach of customs legislation;
- (b) goods that are or may be transported in such a way that there are reasonable grounds for believing that they are intended to be used in operations in breach of customs legislation;
- (c) places where stocks of goods have been or may be assembled in such a way that there are reasonable grounds for believing that those goods are intended to be used in operations in breach of customs legislation; and
- (d) means of transport that are or may be used in such a way that there are reasonable grounds for believing that they are intended to be used in operations in breach of customs legislation.

ARTICLE 4

Spontaneous assistance

The Parties shall assist each other, on their own initiative and in accordance with their laws and regulations, if they consider it to be necessary for the correct application of customs legislation, by providing information obtained pertaining to concluded, planned or ongoing activities which constitute or appear to constitute operations in breach of customs legislation and which may be of interest to the other Party. The information shall focus in particular on:

- (a) persons, goods and means of transport; and
- (b) new means or methods employed in carrying out operations in breach of customs legislation.

ARTICLE 5

Form and substance of requests for assistance

1. Requests pursuant to this Protocol shall be made in writing either in print or electronic format. They shall be accompanied by the documents necessary to enable compliance with the request. In case of urgency, the requested authority may accept oral requests, which shall be immediately confirmed by the applicant authority in writing.

2. The requests referred to in paragraph 1 shall include the following information:

- (a) the applicant authority and requesting official;
- (b) the information and type of assistance requested;
- (c) the object of and the reason for the request;
- (d) the relevant laws and regulations and other legal elements involved;
- (e) an indication, as exact and comprehensive as possible, of the natural or juridical persons that are the target of the investigations;
- (f) a summary of the relevant facts and of the enquiries already carried out; and
- (g) any additional available details to enable the requested authority to comply with the request.

3. Requests shall be submitted in an official language of the requested authority or in a language acceptable to that authority, English always being an acceptable language. This requirement does not apply to any documents that accompany the request under paragraph 1.

4. If a request does not meet the formal requirements set out in paragraphs 1, 2 and 3, the requested authority may require the correction or the completion of the request; in the meantime, precautionary measures may be ordered.

ARTICLE 6

Execution of requests

1. In order to comply with a request for assistance, the requested authority shall proceed, within the limits of its competence and available resources, as though it were acting on its own account or on request of another authority of that same Party, by supplying information already in its possession, by carrying out appropriate enquiries or by arranging for them to be carried out. If the requested authority addresses the request to another authority because it cannot act alone, this paragraph shall also apply to that other authority.

2. Requests for assistance shall be executed in accordance with the laws and regulations of the requested Party.

3. The requested authority shall send a reply to the request for assistance within two months of its receipt. If the requested authority is not in a position to comply with the request for assistance within that period, it shall inform the applicant authority indicating when it foresees that it might comply with the request.

ARTICLE 7

Form in which information is to be communicated

1. The requested authority shall communicate the results of enquiries to the applicant authority in writing together with relevant documents, certified true copies or other items. That information may

be provided in electronic format.

2. Original documents shall be transmitted subject to each Party's legal constraints, only upon request of the applicant authority, in cases where certified true copies would be insufficient. The applicant authority shall return those original documents at the earliest opportunity.

3. When paragraph 2 applies, the requested authority shall deliver to the applicant authority any information related to the authenticity of the documents issued or certified by official agencies within its territory in support of a goods declaration.

ARTICLE 8

Presence of officials of a Party in the territory of the other Party

1. Duly authorised officials of a Party may, with the agreement of the other Party and subject to the conditions laid down by the latter, be present in the offices of the requested authority or any other authority concerned as referred to in Article 6(1) to obtain information relating to activities that are or could be operations in breach of customs legislation which the applicant authority needs for the purposes of this Protocol.

2. Duly authorised officials of a Party may, with the agreement of the other Party and subject to the conditions laid down by the latter, be present at enquiries carried out in the territory of that other Party.

3. The presence of duly authorised officials of a Party in the territory of the other Party shall be solely in an advisory capacity, during which time those duly authorised officials:

(a) must at all times be able to furnish proof of their official capacity;

(b) shall not wear uniform, nor carry weapons; and

(c) shall enjoy the same protection as that afforded to officials of the other Party, in accordance with the laws and regulations of that other Party.

ARTICLE 9

Delivery and notification

1. On request of the applicant authority, the requested authority shall, in accordance with the laws and regulations applicable to that authority, take all necessary measures in order to deliver any documents or to notify any decisions of the applicant authority falling within the scope of this Protocol to an addressee residing or established in the territory of the requested authority.

2. Such requests for delivery of documents or notification of decisions shall be made in writing in an official language of the requested authority or in a language acceptable to that authority.

ARTICLE 10

Automatic exchange of information

1. The Parties may, by mutual arrangement in accordance with Article 15:
 - (a) exchange any information covered by this Protocol on an automatic basis; and
 - (b) exchange specific information in advance of the arrival of consignments in the territory of the other Party.
2. The Parties shall establish arrangements on the type of information they wish to exchange, and on the format and frequency of transmission, to implement the exchanges under subparagraphs (a) and (b) of paragraph 1.

ARTICLE 11

Exceptions to the obligation to provide assistance

1. Assistance may be refused or may be subject to the satisfaction of certain conditions or requirements if a Party is of the opinion that assistance under this Protocol would:
 - (a) be likely to prejudice the sovereignty of Chile or that of a Member State which has been requested to provide assistance under this Protocol;
 - (b) be likely to prejudice public policy, security or other essential interests, in particular in the cases referred to in Article 12(5); or
 - (c) violate an industrial, commercial or professional secret.
2. The requested authority may postpone the assistance on the grounds that such assistance will interfere with ongoing investigations, prosecutions or proceedings. In such a case, the requested authority shall consult with the applicant authority to determine if assistance can be given subject to such terms or conditions as the requested authority may require.
3. If the applicant authority seeks assistance which it would itself be unable to provide if so requested, it shall draw attention to that fact in its request. Compliance with such a request shall be at the discretion of the requested authority.
4. In the cases referred to in paragraphs 1 and 2, the requested authority shall communicate its decision and the reasons therefor to the applicant authority without delay.

ARTICLE 12

Information exchange and confidentiality

1. The information received under this Protocol shall be used solely for the purposes of this Protocol.
2. The use of information obtained under this Protocol in administrative or judicial proceedings instituted in respect of operations in breach of customs legislation is considered to be for the purposes of this Protocol. Therefore, the Parties may, in their records of evidence, reports and testimonies and in proceedings and charges brought before the courts, use as evidence information obtained and documents consulted in accordance with the provisions of this Protocol. The requested authority may require that the supply of information or the granting of access to documents be subject to the condition

that it be notified of such use.

3. Where one of the Parties wishes to use such information for other purposes, it shall obtain the prior written consent of the authority which provided the information. Such use shall then be subject to any restrictions laid down by that authority.

4. Any information communicated in any form under this Protocol shall be of a confidential or restricted nature, in accordance with the laws and regulations applicable in each Party. That information shall be covered by the obligation of professional secrecy and shall enjoy the protection granted to similar information under the relevant laws and regulations of the receiving Party. The Parties shall communicate to each other information on their applicable laws and regulations.

5. Personal data may be transferred only in accordance with the data protection rules of the Party providing the data. Each Party shall inform the other Party about its relevant data protection rules and, if needed, make best efforts to agree on additional protection.

ARTICLE 13

Experts and witnesses

The requested authority may authorise its officials to appear, within the limitations of the authorisation granted, as experts or witnesses in judicial or administrative proceedings regarding the matters covered by this Protocol, and to produce such objects, documents or certified true copies thereof, as may be needed for the proceedings. The request for appearance must indicate specifically before which judicial or administrative authority the official will have to appear, on what matters and by virtue of what title or qualification the official will be questioned.

ARTICLE 14

Assistance expenses

1. The Parties shall waive any claims against each other for the reimbursement of expenses incurred in the implementation of this Protocol.

2. Expenses and allowances paid to experts, witnesses, interpreters and translators who are not public service employees shall be borne as appropriate by the requesting Party.

3. If expenses of an extraordinary nature are required to execute the request, the Parties shall determine the terms and conditions under which the request shall be executed, as well as the manner in which such expenses shall be borne.

ARTICLE 15

Implementation

1. The implementation of this Protocol shall be entrusted, on the one hand, to the customs authorities of Chile and, on the other hand, to the competent services of the European Commission and the customs authorities of the Member States, as appropriate. Those authorities and services shall decide

on all practical measures and arrangements necessary for the implementation of this Protocol, taking into consideration their respective applicable laws and regulations, in particular for the protection of personal data.

2. The Parties shall keep each other informed of the details of the implementation measures which are adopted by each Party in accordance with the provisions of this Protocol, in particular with respect to the duly authorised services and officials designated as competent to send and receive the communications set out in this Protocol.

3. In the European Union, the provisions of this Protocol shall not affect the communication of any information obtained under this Protocol between the competent services of the European Commission and the customs authorities of the Member States.

ARTICLE 16

Other agreements

The provisions of this Protocol shall take precedence over the provisions of any bilateral agreement on mutual administrative assistance in customs matters which has been or may be concluded between individual Member States and Chile in so far as the provisions of such agreement are incompatible with those of this Protocol.

ARTICLE 17

Consultations

In respect of the interpretation and implementation of this Protocol, the Parties shall consult each other to resolve any matter in that regard in the framework of the Sub-Committee on Customs, Trade Facilitation and Rules of Origin established pursuant to Article 33.4(1) of this Agreement.