

ANNEX

ON MOTOR VEHICLES AND EQUIPMENT AND PARTS THEREOF

Article 1

Definitions

1. For the purpose of this Annex, the following definitions apply:
 - (a) **WP.29** means the World Forum for Harmonisation of Vehicle Regulations within the framework of the United Nations Economic Commission for Europe (UN ECE);
 - (b) **1958 Agreement** means *the Agreement Concerning the Adoption of Uniform Technical Prescriptions for Wheeled Vehicles, Equipment and Parts which can be Fitted and/or be Used on Wheeled Vehicles and the Conditions for Reciprocal Recognition of Approvals Granted on the Basis of these Prescriptions* (Geneva, 1958) administered by the WP.29, and all subsequent amendments and revisions thereof;
 - (c) **UN Regulations** means *Technical Regulations* adopted in accordance with the 1958 Agreement.
 - (d) **HS 2017** means the 2017 edition of Harmonised System Nomenclature issued by the World Custom Organisation.
2. Terms used in this Annex shall have the same meaning as defined in the 1958 Agreement or in Annex 1 to the WTO Agreement on Technical Barriers to Trade.

Article 2

Product Scope

This Annex shall apply to trade between the Parties of all categories of motor vehicles, equipment and parts thereof, as defined under Paragraph 1.1. of UN ECE Consolidated Resolution on the Construction of Vehicles (R.E.3)¹, falling inter alia under Chapters 40, 84, 85, 87, 90 and 94 of the HS 2017 (hereinafter referred to as “products covered”).

Article 3

Objectives

¹ ECE/TRANS/WP.29/78/Rev.6 of 11 July 2017.

With regard to the products covered, the objectives of this Annex are to:

- a) eliminate and prevent non-tariff barriers to bilateral trade;
- b) facilitate the approval of new motor vehicles based on approval schemes, among others, of the 1958 Agreement;
- c) establish competitive market conditions based on principles of openness, non-discrimination and transparency;
- d) secure the protection of human health, safety and the environment, recognizing the right of each Party to determine its desired level protection and regulatory approaches.

Article 4

UN Regulations

The Parties recognise that the UN Regulations under the 1958 Agreement are relevant international standards for the products covered by this Annex.

Article 5

Market Access

1. Each Party shall accept on its market any new motor vehicles or new motor vehicle equipment or parts provided the manufacturer has certified in accordance with the importing Party's applicable laws and procedures that the vehicle or equipment complies with the corresponding safety standards or technical regulations applicable in the importing Party.²
2. The Parties acknowledge that Chile has incorporated in its technical regulations certain EU and UNECE technical regulations and the acceptance of the corresponding tests reports and type-approval certificates.
3. Chile shall accept EU type-approval certificates and UN type-approval certificates issued according to the EU and UNECE technical regulations as attesting compliance of products covered by this Annex with the Chilean domestic technical regulations, without further testing or marking requirements to verify or attest compliance with any requirement covered by such EU or UN type-approvals, unless it would create a risk for human health, safety or the environment, according to its domestic regulations.

² For greater certainty, nothing in this paragraph shall be construed as preventing a Party from accepting on its market new motor vehicles or new motor vehicle equipment and parts certified according to a third Party safety and emission standards or from requiring certification of compliance with any existing Motor Vehicle Safety and Emission Standards that a Party maintains on the date of entry into force of this Agreement, subject to paragraph 2 of this Article.

4. Chile may amend its technical regulations if it considers that the UNECE or EU technical regulations no longer represent its desired level protection, or create a risk for human health, safety or the environment. Before introducing such amendments, Chile shall inform the European Union via the TBT Contact Point and, upon request, provide information on their rationale.
5. The competent authorities of each Party may verify that the products covered comply, as appropriate, with all the domestic technical regulations of the Party. Such verification shall be carried out by random sampling in the market and in accordance with the importing Party technical regulations.
6. Each Party may require the supplier to withdraw a product from its market in case the product concerned does not comply with those technical regulations.

Article 6

Measures Restricting Trade

Each Party shall refrain from nullifying or impairing the benefits accruing to the other Party under this Annex through regulatory measures specific to the products covered. This is without prejudice to the right to adopt measures necessary for road safety, the protection of the environment or public health and the prevention of deceptive practices according to each Party desired level protection.

Article 7

Products with New Technologies or New Features

The Parties shall endeavour to permit the importation and marketing of products incorporating a new technology or a new feature, that the importing Party has not yet regulated, unless it has a reasonable doubt about its safety, based on scientific or technical information that this new technology or new feature creates a risk for human health, safety or environment. The Party refusing the placing on the market shall notify this decision to the other Party as soon as possible.

Article 8

Cooperation

The Parties shall cooperate and exchange information on any issues relevant for the implementation of this Annex in the Sub-Committee on Trade in Goods.