

Are you interested in doing business with Chile? An opportunity to influence the upcoming trade negotiations between the EU and Chile

Business survey

The EU and Chile are expected to open negotiations to update the Free Trade Agreement dating back to 2003. It is therefore very important to identify Swedish interests before the start of negotiations. Are you doing business with Chile? Export, import, direct investment or is your company established in Chile? Use this possibility to influence the priorities in the negotiations of the new Free Trade Agreement by answering the attached questionnaire or contact us directly.

The negotiations will cover a broad range of issues including: further elimination of import tariffs, trade in services, investments, non-tariff barriers to trade (such as technical barriers or rules on foodstuffs), customs procedures and trade facilitation, government procurement, the trade aspects of rules relating to intellectual property, competition and sustainable development.

The National Board of Trade has been asked by the Ministry of Foreign Affairs to identify and analyse Swedish interests in the negotiations with Chile. The analysis will provide a basis for Sweden's actions during the negotiations.

The participation in the survey is voluntary. Your response may be subject to secrecy according to the Swedish Secrecy Act (Swedish Code of Statutes – SFS 2009:400). The National Board of Trade Sweden decides on secrecy when it receives a request to obtain the enquiry responses. Prior to its decision on secrecy, the National Board of Trade Sweden asks the responding company of its opinion on the secrecy in the responses.

You are welcome to respond until the **31st of August 2017 at the latest**. This is an editable PDF form. Please fill in, save it and send it by e-mail to freetradeagreements@kommers.se or by regular mail to Att: Ingrid Berglund, Kommerskollegium, Box 6803, 113 86 Stockholm. You are also welcome to contact us in case you have any questions: ingrid.berglund@kommers.se or phone 08-690 48 21. Note: during week 30 and 31 you can only reach us by email.

About the Swedish National Board of Trade

The National Board of Trade is the Swedish governmental agency responsible for issues relating to foreign trade, the Internal Market and trade policy. Our mission is to promote an open and free trade with transparent rules. To this end we strive for an efficient internal market, a liberalised common trade policy in the EU and an open and strong multilateral trading system, especially within the World Trade Organisation (WTO).

As the expert authority in trade and trade policy, the Board provides the Government with analyses and background material, related to ongoing international trade negotiations as well as more structural or long-term analyses of trade related issues. More information about the National Board of Trade is available on www.kommers.se/english

Questionnaire on trade and barriers to trade – Chile

* We would appreciate if you answer all questions concerning contact information marked with an asterix.

Information about your company and contact information

Name of company*

Contact person*

Telephone *

E-mail address*

The company's main type of business*

What kind of business are you active in?

- Export of goods to Chile
- Import of goods from Chile
- Export of services to Chile
- Import of services from Chile
- I am established in Chile.

Priorities in the negotiation

- 1. Do you have any specific expectations or requests that are of particular importance for your company in the negotiations with Chile?**

2. For which products or services is it particularly important to improve the trade rules in the EU-Chile free trade agreement? How?

Trade in goods

3. Are there any products where you would like to see a reduction or elimination of tariffs?

- Yes
 No
 Not relevant/not sure

If yes, please provide a description of the products and specify the tariff code:

Chile's tariff including tariff code:

The EU's tariff including CN code¹:

4. Are there any areas where you consider that the EU should be careful in opening its market, for example by introducing longer periods of tariff liberalisation instead of eliminating the tariff at the entry into force of the agreement?

- Yes
 No
 Not relevant/not sure

If yes, please specify the CN code (including product description) and explain why.

5. Do you encounter any problems related to customs valuation for your import to Chile from the EU?

- Yes

¹ The combined nomenclature (CN) is the tariff and statistical nomenclature of the EU, with product codes normally consisting of 8 digits.

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- No
- Not relevant/not sure

If yes, please describe shortly the problem (please state the product concerned):

6. Do you encounter any problems related to customs valuation for your import to the EU from Chile?

- Yes
- No
- Not relevant/not sure

If yes, please describe shortly the problem (please state the product concerned):

Rules of origin

The **rules of origin** are used to determine the economic nationality of products and need to be fulfilled to be able to benefit from the lower tariffs under the trade agreement.

Rules of Origin are often perceived as difficult to understand and use. They also affect the sourcing patterns and production processes of companies. The administrative procedures associated with proof and verification of origin can also be a burden for companies and customs authorities alike.

7. When trading with Chile/the EU, do you make use of the trade preferences under the current agreement, i.e. do you use the rules of origin to prove the origin of your product(s)?

- Yes
- No
- Not relevant/not sure

8. When trading with Chile, do you encounter problems when using the rules of origin? It can for example be related to strict product specific requirements or burdensome administrative procedures.

- Yes
- No
- Not relevant/not sure

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If yes, please describe the nature of the problems:

9. **If you have identified problems, please let us know your view concerning how the rules of origin in the trade between EU and Chile should be designed in order to minimise the problems mentioned? It can for example relate to the product specific requirements of significant transformation or the amount of non-originating inputs/materials allowed in the production process.**

Customs and trade facilitation

10. **Do you consider that there are any problems with current practices in custom procedures and border enforcement in Chile?**

- Yes
- No
- Not relevant/not sure

If yes, please specify the issues of concern:

- complicated, unequal treatment or unpredictable customs and other trade procedures
- time-consuming customs procedures
- unclear or inconsistently applied tariff classification
- requirements to provide extra information/documentation
- lack of transparency regarding rules/regulations in force
- others, please specify:

Please describe shortly the issues you are referring to:

11. Have any antidumping duties, countervailing duties or other safeguards caused problems for your company when trading with Chile?

- Yes
- No
- Not relevant/not sure

If yes, please, describe shortly the problem (please state the product concerned and if the problem relates to Chile or the EU):

Restrictions

12. Do you consider that there are problems related to quantitative restrictions, import- and export prohibitions and licensing requirements in Chile?

- Yes
- No
- Not relevant/not sure

If yes, please specify the issues of concern:

- quotas
- licensing requirements
- import or export monopolies
- restrictions concerning the amount of companies due to exclusive rights
- other, please specify

Please, describe shortly the identified problems (please state the product concerned including HS code):

Technical barriers to trade

13. When trading with Chile, does the difference between EU and Chilean regulations or standards hinder your activities?

- Yes
- No
- Not relevant/not sure

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If yes, please identify the areas where these differences constitute barriers:

- technical regulations
- standards
- testing, inspection or certification (conformity assessment)
- certificates are not accepted
- regulations concerning energy, environment and climate that discriminate against or is stricter for imported products or services
- requirements regarding labelling/marketing
- other requirements than internationally recognised or international established practices
- other, please specify.....

Please, describe shortly the identified problems. Please state the product(s) or sector(s) concerned:

Agricultural and food products and health-related requirements

14. Does your company sell food or agricultural products to Chile?

- Yes
- No

If yes, does Chile have governmental requirements or approval procedures regarding food safety, animal and plant health for agri-food products that hinder trade with Chile? Please specify what type of requirement(s)/procedure(s):

- maximum residue limits
- approval procedures;
- test requirements;
- others (please specify).....

What food or agricultural product is affected by the health-related requirement/procedure?

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Describe how the requirement/procedure affect your trade with Chile:

Fees, taxes and other costs

15. Do you experience any fees, taxes or other costs related to your trade activities with Chile which you consider as barriers to trade or discriminating and you would like to see eliminated?

- Yes
- No
- Not relevant/not sure

If yes, please, describe shortly the problem (state the product or service concerned):

Trade and investment

16. Which services sectors are important for your company concerning trade in services with Chile? (Examples include IT services and consulting, delivery-, telecommunications-, financial-, transport- and environmental services as well as e-commerce). **Please specify whether it concerns export to or import from Chile.**

17. Do you consider that there are any barriers to trade in services between the EU and Chile? Examples of barriers are: discriminating or unfair provisions; requirements to have a local partner or local board representation; limits to participation of foreign capital; complicated license procedures or requirements; requirement regarding the movement or storage of data. **Please specify whether it concerns export to or import from to Chile.**

- Yes
- No
- Not relevant/not sure

Survey Free Trade Agreement between the EU and Chile

If yes, please, describe shortly the problem (please state the type of service concerned):

18. Do you consider that there are difficulties related to the movement of persons for business purposes (the movement of your staff or experts) between EU and Chile?

- Yes
- No
- Not relevant/not sure

If yes, please, identify the issues of concern:

- difficulties in obtaining a visa or a residence/work permit
- requirements on qualifications and demonstrated competence
- requirements to hire local employees
- factors concerning employment and working conditions
- others, please specify:.....

Please describe shortly the issue(s) of concern that you identified above:

19. In which sectors/branches would it be particularly important for your company to improve the opportunities for investing or establishing in Chile? Please, specify sector(s)/branch(es):

20. Have you experienced any difficulties when it comes to investing or establishing in Chile?

- Yes
- No
- Not relevant/not sure

If yes, please, identify the issues of concern:

- company's legal status
- limited market access due to requirements on corporate structure or ownership
- limitations on foreign ownership

Survey Free Trade Agreement between the EU and Chile

- requirements regarding obtaining permits to operate
- others, please specify

Please, describe shortly the problem(s) identified above:

21. Has your company been discriminated or treated unfairly when investing/establishing in Chile?

- Yes
- No
- Not relevant/not sure

If yes, please, describe shortly the problem:

22. Has your company been discriminated or treated unfairly after investing/establishing in Chile?

- Yes
- No
- Not relevant/not sure

If yes, please, describe shortly the problem:

Intellectual property rights

23. Do you consider that there are problems concerning the protection or enforcement of intellectual property rights (IPR) in Chile?

- Yes
- No
- Not relevant/not sure

If yes, please identify the issues of concern:

- inadequate legislation
- insufficient enforcement of intellectual property rights (ex: insufficient sanctions, authorities intervention in order to maintain protection, time-consuming judicial procedures)
- patent infringement
- protection of design

Survey Free Trade Agreement between the EU and Chile

- geographical indications
- trade secrets
- administrative transfers to domestic firms
- brand-related problems incl. online (ex: counterfeiting, domain name)
- copyright problems incl. online (ex: illegal downloading)
- protection of undisclosed data/test data submitted to authorities
- others, please specify:.....

Please, describe shortly the problem(s) identified:

Public procurement

24. Do you encounter difficulties to participate in public procurement in Chile?

- Yes
- No
- Not relevant/not sure

If yes, please identify the issue(s) of concern:

- discrimination of foreign suppliers
- local production or local content requirements
- price preferences
- forced technology transfers
- disclosure of trade secrets
- specifications tailored to national or local suppliers/products/services
- others, please specify:.....

Please, describe shortly the problem(s) identified above:

Sustainable development/CSR

Nowadays provisions on sustainable development/CSR are included in free trade agreements concluded by the EU. The chapters on sustainable development contain aspects of economic, social and environmental sustainability.

25. Do you experience any of the following problems in Chile?

- Transparency and corruption
- Child labour
- Labour issues (right to unionize and collective bargaining)
- Gender equality issues
- Environmental issues
- Human Rights' issues
- Other:.....

Describe shortly the identified problems:

26. Does your company have a sustainability (CSR) policy?

- Yes
- No
- Not relevant/not sure

If yes, do you experience difficulties to fulfill the policy in Chile?

Priorities in the negotiations

27. Are there any interests or issues you have mentioned above that are of particular importance for your company/sector? If possible, please prioritise:

Please send the questionnaire to freetradeagreements@kommers.se or to Att: Ingrid Berglund, Kommerskollegium, Box 6803, 113 86 Stockholm by **31st of August 2017** at the latest.

Thank you for answering!