

No. 48546

**Japan
and
Chile**

**Agreement between Japan and the Republic of Chile for a strategic economic partnership
(with annexes and implementing agreement). Tokyo, 27 March 2007**

Entry into force: *3 September 2007 by notification, in accordance with article 198*

Authentic text: *English*

Registration with the Secretariat of the United Nations: *Japan, 6 May 2011*

**Japon
et
Chili**

**Accord de partenariat économique stratégique entre le Japon et la République du Chili (avec
annexes et accord d'exécution). Tokyo, 27 mars 2007**

Entrée en vigueur : *3 septembre 2007 par notification, conformément à l'article 198*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat des Nations Unies : *Japon, 6 mai 2011*

[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT BETWEEN JAPAN AND THE REPUBLIC OF CHILE
FOR A STRATEGIC ECONOMIC PARTNERSHIP

Preamble

Japan and the Republic of Chile (hereinafter referred to as "Chile"),

Conscious of their longstanding friendship and strong economic and political ties that have developed through many years of fruitful and mutually beneficial cooperation between the Parties;

Recognizing that creating a clearly established and secured trade and investment framework through mutually advantageous rules to govern trade and investment between the Parties would enhance the competitiveness of their economies, make their markets more efficient, and ensure predictable commercial environment for further expansion of trade and investment between them;

Recognizing that an adequate protection of intellectual property and the effective enforcement of competition laws will encourage trade and investment between the Parties;

Believing that a strategic economic partnership between the Parties will bring economic and social benefits, create new and better opportunities for employment, improve the living standards of peoples, and provide a catalyst for the liberalization of trade and investment in the Asia-Pacific region and broader cooperation at international fora;

Convinced that economic development, social development and environmental protection are interdependent and mutually reinforcing pillars of sustainable development and that the strategic economic partnership can play an important role in promoting sustainable development;

Recognizing the rights of the Parties to regulate in order to meet national policy objectives; and

Determined to establish a legal framework for promoting and developing the strategic economic partnership on the basis of the rights and obligations of the Parties under the Marrakesh Agreement Establishing the World Trade Organization, done at Marrakesh, April 15, 1994 and other international agreements to which both Parties are parties;

HAVE AGREED as follows:

Chapter 1
General Provisions

Article 1
Establishment of a Free-Trade Area

The Parties hereby establish a free-trade area.

Article 2
Objectives

The objectives of this Agreement are to:

- (a) liberalize trade in goods between the Parties, in conformity with Article XXIV of the GATT 1994;
- (b) liberalize trade in services between the Parties, in conformity with Article V of the GATS;
- (c) increase investment opportunities and strengthen protection for investments and investment activities in the Parties;
- (d) enhance opportunities for suppliers of the Parties to participate in government procurement in the Parties;
- (e) provide an adequate protection of intellectual property and promote cooperation in the field thereof;
- (f) promote cooperation and coordination for the effective enforcement of competition laws and regulations in each Party;
- (g) improve business environment in the Parties; and
- (h) create effective procedures to prevent and resolve disputes.

Article 3
Relation to Other Agreements

The Parties reaffirm their rights and obligations under the WTO Agreement or any other agreements to which both Parties are parties.

Article 4
Publication

1. Each Party shall ensure that its laws, regulations and administrative rulings of general application with respect to any matter covered by this Agreement are promptly published or otherwise made publicly available in such a manner as to enable interested persons and the other Party to become acquainted with them.

2. Each Party shall, upon the request by the other Party, within a reasonable period of time, respond to specific questions from, and provide information to, the other Party with respect to matters referred to in paragraph 1, through contact points referred to in Article 10.

Article 5
Notification

Where a Party considers that any measure that it proposes to take might materially affect the implementation and operation of this Agreement or otherwise substantially affect the other Party's interests under this Agreement, the former Party shall notify the other Party, to the extent practicable, of such measure, through contact points referred to in Article 10.

Article 6
Public Comment

To the extent practicable, each Party shall, in accordance with its laws and regulations:

- (a) make public in advance administrative regulations of general application that it proposes to adopt and that affect any matter covered by this Agreement; and
- (b) provide a reasonable opportunity for comments by the public before adoption of such regulations.

Article 7
Administrative Procedures

Where administrative decisions which pertain to or affect the implementation and operation of this Agreement are taken by the competent authorities of a Party, the competent authorities shall, in accordance with the laws and regulations of the Party:

- (a) inform the applicant of the decision within a reasonable period of time after the submission of the application considered complete under the laws and regulations of the Party;
- (b) provide, within a reasonable period of time, information concerning the status of the application, at the request of the applicant; and
- (c) afford the applicant a reasonable opportunity to present facts and arguments in support of its positions prior to any final administrative decisions, when time, the nature of the proceeding, and the public interest permit.

Article 8 Review and Appeal

1. Each Party shall establish or maintain judicial or administrative tribunals or procedures for the purpose of the prompt review and, where warranted, correction of administrative actions regarding matters covered by this Agreement. Such tribunals or procedures shall be impartial and independent of the office or authority entrusted with administrative enforcement of such actions and shall not have any substantial interest in the outcome of the matter.

2. Each Party shall ensure that, in any such tribunals or procedures, the parties to the proceedings are provided with the right to:

- (a) a reasonable opportunity to support or defend their respective positions; and
- (b) a decision based on the evidence and submissions of record.

3. Each Party shall ensure, subject to appeal or further review as provided in its laws and regulations, that such decision is implemented by the offices or authorities with respect to the administrative action at issue.

Article 9 Confidential Information

1. Each Party shall, in accordance with its laws and regulations, maintain the confidentiality of information provided in confidence by the other Party pursuant to this Agreement.