



Chile No.1 (2019)

Agreement

on Trade in Organic Products between the United Kingdom of Great
Britain and Northern Ireland and the Republic of Chile

Santiago, 30 January 2019

[The Agreement is not in force]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
February 2019*



© Crown copyright 2019

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.gov.uk/government/publications
Any enquiries regarding this publication should be sent to us at Treaty Section, Foreign and Commonwealth Office, King Charles Street, London, SW1A 2AH

ISBN 978-1-5286-1009-4

CCS0219503120 02/19

Printed on paper containing 75% recycled fibre content minimum
Printed in the UK by the APS Group on behalf of the Controller of Her Majesty's Stationery Office

**AGREEMENT ON TRADE IN ORGANIC PRODUCTS
BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND AND THE REPUBLIC OF CHILE**

The UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND (“the United Kingdom”) and THE REPUBLIC OF CHILE (“Chile”) (hereinafter referred to as “the Parties”),

RECOGNISING that the Agreement on trade in organic products between the European Union, of the one part, and the Republic of Chile, of the other part signed in Brussels on 27 April 2017 (hereinafter referred to as the “EU-Chile Organics Agreement”) will cease to apply to the United Kingdom when it ceases to be a Member State of the European Union or at the end of any transitional period or implementation period during which the rights and obligations under the EU-Chile Organics Agreement continue to apply to the United Kingdom;

DESIRING that the rights and obligations between them as provided for by the EU-Chile Organics Agreement should continue after the United Kingdom has left the European Union;

HAVE AGREED AS FOLLOWS:

ARTICLE 1

Objectives

The overriding objective of this Agreement is to foster trade in organically produced agricultural products and foodstuffs between the United Kingdom and Chile, in accordance with the principles of non-discrimination and reciprocity.

ARTICLE 2

Definitions

1. Throughout this Instrument:

“**Incorporated Agreement**” means the provisions of the EU-Chile Organics Agreement, including the Annexes, as incorporated into and made part of this Agreement (and references to an “incorporated Article” are to be read accordingly); and

“*mutatis mutandis*” means with the necessary modifications to apply the EU-Chile Organics Agreement as if it had been concluded between the United Kingdom and Chile, taking into account the object and purpose of this present Agreement.

2. “This Agreement” means this Instrument and the Incorporated Agreement.

ARTICLE 3

Incorporation of the EU-Chile Organics Agreement

1. The provisions of the EU-Chile Organics Agreement, including the Annexes, in effect immediately before they cease to apply to the United Kingdom are incorporated into and made part of this Agreement, *mutatis mutandis*, subject to the provisions of this Instrument.
2. In the event of any inconsistency between this Instrument and the Incorporated Agreement, this Instrument shall prevail to the extent of the inconsistency.

ARTICLE 4

Integral Parts of this Agreement

1. The Annex and footnotes to this Instrument shall form an integral part of this Agreement.
2. Nothing in this Article shall affect incorporated Article 13.

ARTICLE 5

Territorial Application

For the avoidance of doubt, this Agreement shall apply:

- (a) in respect of the United Kingdom, to the extent and under the conditions that the EU-Chile Organics Agreement applied immediately before it ceased to apply to the United Kingdom, to the territory of the United Kingdom and the following territories for whose international relations it is responsible:
 - (i) the Channel Islands and the Isle of Man; and
 - (ii) the Sovereign Base Areas of Akrotiri and Dhekelia in Cyprus,and
- (b) in respect of Chile, to the territory of Chile, including the land, maritime, and air space under its sovereignty, and the exclusive economic zone and the continental shelf within which it exercises sovereign rights and jurisdiction in accordance with international law and its domestic law.

ARTICLE 6

Continuation of Time Periods

1. The Parties agree that unless this Instrument provides otherwise, if a period in the EU-Chile Organics Agreement:
 - (a) has not yet ended, the remainder of that period shall be incorporated into this Agreement;¹ and
 - (b) has ended, any ongoing right or obligation in the EU-Chile Organics Agreement shall apply between the Parties and that period shall not be incorporated into this Agreement.
2. Notwithstanding paragraph 1, a reference in the Incorporated Agreement to a period relating to a procedure or other administrative matter, such as a review, committee procedure or notification, shall not be affected.

ARTICLE 7

Further provision in relation to the Joint Committee on Organic Products

1. The Joint Committee on Organic Products (the “Joint Committee”) which the Parties establish under incorporated Article 8 shall, in particular, ensure that this Agreement operates properly.
2. Unless the Parties agree otherwise, any decisions adopted by the Joint Committee established by the EU-Chile Organics Agreement before the EU-Chile Organics Agreement ceased to apply to the United Kingdom shall, to the extent those decisions relate to the Parties to this Agreement, be deemed to have been adopted, *mutatis mutandis* and subject to the provisions of this Instrument, by the Joint Committee the Parties establish under incorporated Article 8.
3. Nothing in paragraph 2 prevents the Joint Committee established by this Agreement from making decisions which are different to, modify, revoke or supersede the decisions deemed to have been adopted by it under that paragraph.

¹ The remainder of the time period, if any, stipulated in the second paragraph of incorporated Article 15 is incorporated into this Agreement.

ARTICLE 8

Amendments

1. The Parties may agree, in writing, to amend this Agreement. An amendment shall enter into force on the first day of the second month following the date of the later written notification by which the Parties notify each other that they have completed their respective legal requirements and procedures, or on such date as the Parties may agree.
2. Notwithstanding paragraph 1, the Joint Committee may decide to amend the Annexes to this Agreement. The Parties shall adopt the Joint Committee's decision subject to their respective applicable legal requirements and procedures.²

ARTICLE 9

Entry into Force and Provisional Application

1. Paragraph 1 of Article 15 of the EU-Chile Organics Agreement shall not be incorporated into this Agreement.
2. Each Party shall notify the other Party of the completion of its domestic procedures required for the entry into force of this Agreement.
3. This Agreement shall enter into force on:
 - (a) the later of:
 - (i) the date on which the EU-Chile Organics Agreement ceases to apply to the United Kingdom;³ or
 - (ii) the first day of the second month following the date of the later of the notifications by which the Parties notify each other that they have completed their respective legal requirements and procedures;
 - or
 - (b) such date as the Parties may otherwise agree.

² Chile shall implement any decision taken by the Joint Committee through *acuerdos de ejecución* (executive agreements), in accordance with article 54 N°1, paragraph 4 of the *Constitución Política de la República de Chile* (Political Constitution of the Republic of Chile).

³ For certainty, Chile will be notified of the date referred to in this paragraph and paragraph (4)(a) either by the United Kingdom or through other means.

4. Notwithstanding paragraph 3, the negotiating States agree to apply this Agreement, or specific provisions thereof, from the later of:

- (a) the date on which the EU-Chile Organics Agreement ceases to apply to the United Kingdom; or
- (b) the date of the later of the negotiating States' notification signifying the completion of such domestic procedures as are required for provisional application.

5. A negotiating State may terminate the application of this Agreement, or specific provisions thereof, as agreed under paragraph 4, by giving written notice to the other negotiating State. Such termination shall take effect on the first day of the second month following the date of such notification.

6. Where this Agreement is, or certain provisions of this Agreement are, applied under paragraph 4, any reference to the term 'entry into force of this Agreement' in such provisions shall be deemed to refer to the date from which the negotiating States agree to apply those provisions in accordance with paragraph 4.

7. The United Kingdom shall submit notifications under this Article to the General Directorate of International Economic Relations (DIRECON) of the Ministry of Foreign Affairs of Chile or its successor. Chile shall submit notifications under this Article to the United Kingdom's Department for International Trade or its successor.

In witness whereof the undersigned, duly authorised thereto by their respective Governments, have signed this Agreement.

Done in Duplicate at Santiago this thirtieth day of January 2019 in the English and Spanish languages, both texts being equally authoritative.

For the Government of the United Kingdom of Great Britain and Northern Ireland

**For the Government of the United
Kingdom of Great Britain and Northern
Ireland:**

JAMIE BOWDEN

**For the Government of the
Republic of Chile:**

ROBERTO AMPUERO

ANNEX

The Incorporated Agreement is further modified as follows:

MODIFICATIONS TO THE MAIN TEXT

1. Article 5(1) shall be replaced by:

“1. Products imported from one Party by the other Party in accordance with this Agreement shall meet the requirements on labelling set out in the laws and regulations of the other Party listed in Annexes III and IV. Those products may bear any logo the United Kingdom may choose to adopt as the United Kingdom organic logo, the Chilean organic logo or both logos, as set out in the relevant laws and regulations, provided that they comply with the labelling requirements for the respective logos or for both logos.”

2. Article 5(3) shall be replaced by:

“3. The Parties shall undertake to protect any logo the United Kingdom may choose to adopt as the United Kingdom organic logo and the Chilean organic logo set out in the relevant laws and regulations against any misuse or imitation. The Parties shall ensure that the United Kingdom’s organic logo and the Chilean organic logo are used only for labelling, advertising or commercial documents of products complying with the laws and regulations listed in Annexes III and IV.”

MODIFICATIONS TO ANNEX V

3. The first line of Annex V shall be replaced by:

“United Kingdom: <http://legislation.gov.uk>”

CCS0219503120

978-1-5286-1009-4