

**DECISION No 2/2015 OF THE EU-CHILE ASSOCIATION COMMITTEE
of 30 November 2015**

replacing Article 12 of Title III of Annex III 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 concerning direct transport [2017/958]

THE EU-CHILE ASSOCIATION COMMITTEE,

Having regard 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 ⁽¹⁾, and in particular Article 38 of Annex III thereto,

Whereas:

- (1) Article 12 of Title III of Annex III 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 ('the Agreement') establishes that preferential treatment applies only to goods satisfying the requirements of Annex III which are transported directly between the Republic of Chile ('Chile') and the European Union.
- (2) Chile and the European Union have concluded numerous agreements with trade content since the entry into force of the Agreement, which gave economic operators the possibility to adapt their export strategy in order to save costs and better respond to market demand.
- (3) Chile and the European Union have agreed to amend Article 12 of Title III of Annex III to the Agreement, in order to allow for more flexibility for economic operators,

HAS ADOPTED THIS DECISION:

Article 1

Article 12 of Title III of Annex III to the Agreement, concerning direct transport, is replaced with the text set out in the Annex to this Decision.

Article 2

This Decision shall enter into force 90 days after the day on which the last notification by which the Parties communicate the completion of the necessary domestic legal procedures has been carried out.

Done at Brussels, 30 November 2015.

For the EU-Chile Association Committee

Edgardo RIVEROS

Vice Minister for Foreign Affairs, Republic of Chile

Roland SCHAEFER

Deputy Managing Director to the Americas, EEAS

⁽¹⁾ OJ L 352, 30.12.2002, p. 3.

ANNEX

*Article 12***Direct transport**

1. The preferential treatment provided for under this Agreement applies only to products satisfying the requirements of this Annex, which are transported directly between the European Union and Chile. However, products may be transported through other territories with transshipment or temporary warehousing in such territories, provided that they remain under the surveillance of the customs authorities in the country of transit or warehousing and do not undergo operations other than adding or affixing marks, labels, or seals; unloading; reloading; splitting of consignments; or any operation designed to preserve them in good condition.

2. Compliance with paragraph 1 shall be considered as satisfied unless the customs authorities have reason to believe the contrary. In such cases, the customs authorities may require the importer to provide evidence of compliance, which shall be given by any appropriate means, such as contractual transport documents, for example bills of lading, or factual or concrete evidence based on marking or numbering of packages, or any evidence related to the goods themselves.'
