

2016 APEC COUNTER-TERRORISM ACTION PLAN

ECONOMY:

CHILE

CALENDAR YEAR:

2016

LAST UPDATED:

October 2016

Objective: Where appropriate, to self-assess progress against APEC Leaders’ and Ministers’ counter-terrorism commitments, and to identify capacity building needs to assist the CTTF to identify priority areas for future cooperation.

EXECUTIVE SUMMARY

- 1. Summary of main achievements/progress in implementing Leaders’ and Ministers’ commitments since last update.

 - A.1 Protect Cargo:**
 - A.2 Protect Port Facilities and Ships Engaged in International Voyages:**
 - A.3 Protect International Aviation:**
 - A.4 Protect People in Transit:**
 - A.5 Combat Threats to Security:**
 - B. HALTING TERRORIST FINANCING:**
 - C. PROMOTING CYBER SECURITY:**
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- 2. Summary of forward work program to implement Leaders’ and Ministers’ commitments.
 - 3. Summary of capacity building needs and opportunities that would accelerate/strengthen the implementation of APEC Leaders’ and Ministers’ commitments by your economy and in the region.

A. ENHANCING THE SECURE FLOW OF TRADE AND PEOPLE IN THE APEC REGION

A.1 Protect Cargo:

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LEADERS' AND MINISTERS' COMMITMENTS

- Implement the [APEC Framework for Secure Trade](#) (2005).
- Implement the common standards for electronic customs reporting developed by the [World Customs Organization](#) (WCO) that provide data to target high-risk shipments and facilitate trade (2002).
- Implement as practicable as possible a container security regime that facilitates the smooth flow of trade while enhancing the integrity of containers (2002).
- Promote private-sector adoption of high standards of supply chain security, as developed by the private sector and law enforcement officials (2002).
- Continue cooperation between APEC member economies to facilitate trade recovery after a terrorist attack (2006, 2007, 2011).
- Work towards more consistent security measures that reduce transaction costs, and to enhance cooperation with the private sector (2007, 2011).
- Complete the APEC Authorized Economic Operator (AEO) Best Practices Guidelines Document (2011)
- Continue work on the Trade Recovery Program to work toward an operational system for ensuring trade recovery and resilience across the region in the wake of natural disasters and other major disruptions, such as terrorist attacks. (2011)

MEASURES UNDERTAKEN SINCE LAST UPDATE TO IMPLEMENT COMMITMENTS

- The AEO program is in its final phase of implementation; we are in the process of enacting the law to initiate the certification process of exporters and customs brokers, the 2 kinds of operators with which the phased implementation of the AEO certification in Chile will be initiated.
- During 2013, the model of AEO program was designed and the pilot was implemented during the 2nd semester of 2015 for the export sector, ending on 01/31/2016. During the 1st semester of 2016, the AEO pilot was extended to Customs Brokers. From July 2016, the AEO certification process began for Exporters, Customs Agents and Ports facilities.
- During the 2nd semester of 2015 Customs sent to Congress a project to modernize Customs Regulations, which included the AEO articles, with the AEO standard of operation and certification.
- Mexico, Colombia and Peru, in the framework of the first multilateral MRA that will be signed among the Pacific Alliance countries.
- The institution has continued with the implementation of international standards for securing and facilitating global trade, especially in areas related to Custom to Business partnership.
- Development of training programs in areas related to security threats in cargo transport.
- In April 2013, a pilot project was implemented for the exportation module of our Integrated Foreign Trade System (SICEX) (Single windows).

FURTHER MEASURES PLANNED TO IMPLEMENT COMMITMENTS (indicate timeframe)

- In Chile, the AEO program is in its final phase of implementation.
- Chilean Customs is developing an investment plan in order to modernize its infrastructure and equipment, especially those concerning high risk cargo containers.
- The security criteria and information about risk management and profiling system for identifying high-risk containers are in the process of implementation

PLEASE DESCRIBE THE APEC CAPACITY BUILDING ACTIVITIES IN WHICH YOUR ECONOMY PARTICIPATED DURING THE LAST YEAR. WHAT BENEFITS DID YOUR ECONOMY DERIVE FROM THESE ACTIVITIES? WHAT FOLLOW-ON ACTIVITIES WOULD BE USEFUL?

- APEC AEO Workshop 2013: Shared experiences and best practices of AEO program in the APEC region
- Workshop on Checkpoint 8 Beijing: discuss about: Set of Guidelines proposal in order to improve the performance the smooth flow of cross border transit goods.
- Training Course on Capacity Building of Demonstration e-Port Network for Asia-Pacific in 2016, CIFAL Shanghai International Training Center (14th July, 2016 - 27th July, 2016). The capacity building programme is to focus on the practices and experience of Shanghai E-port as the third party ICT platform to advance trade facilitation and cross-border supply chain connectivity, and the vision and plan of APMEN development.

WHAT SPECIFIC CAPACITY BUILDING NEEDS DOES YOUR ECONOMY HAVE THAT HINDER YOUR ABILITY TO IMPLEMENT COMMITMENTS, AND WHAT CAPACITY BUILDING OPPORTUNITIES COULD BE PROVIDED THROUGH APEC TO ADDRESS THESE NEEDS? PLEASE BE AS SPECIFIC AS POSSIBLE REGARDING THE TYPES OF CAPACITY BUILDING ACTIVITIES THAT WOULD BENEFIT YOUR ECONOMY (E.G., SEMINARS, WORKSHOPS, INFORMATION SHARING, BEST PRACTICES, SPECIALIZED TRAINING, ETC.)

It could be important to share enforcement techniques with some Customs sectors, which do not have enough awareness about the international character of their functions. Thus we think that a capacity building activity, here in Chile, addressed to Customs officers, from different departments, including Customs labours would be very helpful. By this way, not only one delegate, would benefit with the news knowledge, spreading hypothetically his experience to his companions, but the discussion would be broadly shared, letting space to think together about new management risk, new enforcement technics, with a larger number of participants, etc.. We think –in our case- that a capacity building of this kind could be more effective.

WHAT KIND OF EXPERTISE AND/OR ASSISTANCE COULD YOUR ECONOMY PROVIDE TO OTHER APEC MEMBERS THAT COULD HELP ADDRESS THEIR CAPACITY BUILDING NEEDS? PLEASE BE AS SPECIFIC AS POSSIBLE REGARDING THE TYPES OF CAPACITY BUILDING ACTIVITIES THAT YOUR ECONOMY COULD PROVIDE (E.G., SEMINARS, WORKSHOPS, INFORMATION SHARING, BEST PRACTICES, SPECIALIZED TRAINING, ETC.)

Perhaps we could talk about our specific improvement related to Single Windows, Valuations, and problems e.g. and the reasons why we are not able yet to sign the Revised Kyoto Convention

A.2 Protect Port Facilities and Ships Engaged in International Voyages:

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LEADERS' AND MINISTERS' COMMITMENTS

- Review ship and port facility security plans; automatic identification systems (AIS) installed on certain ships (2004).
- Support international efforts to fight piracy (2002, 2008).
- Support the implementation of the International Ship and Port Facility Security Code (2004).
- Cooperation between APEC **member economies** on training to enhance ship and port security in the region (2002).
- Cooperate with the International Maritime Organisation on its efforts to undertake an analysis of small boats as potential threats to maritime security (2009).
- Enhance ability to identify, assess, and share information on threats to transportation facilities, vehicles, people and cargo, to prevent and combat acts of unlawful interference (2011)

MEASURES UNDERTAKEN SINCE LAST UPDATE TO IMPLEMENT COMMITMENTS

- Participation, as member country, in the Pacific and Indian Oceans Shipping Working Group (PACIOSWG), exchanging information under the doctrine, policies, and procedures of the “Naval Cooperation and Guidance for Shipping” (NCAGS), which uses the knowledge and experience of NATO and of anti-piracy operations of the European Economic Community countries, among others.
- In the framework of the InterAmerican Treaty of Reciprocal Assistance (TIAR, in Spanish) and its coordinated plan for the Inter American Shipping Defense (Plan Codeframí).
- Participation in “Bell Buoy” international exercises, based on PACIOSWG, to train organizations and staff regarding threats in the ocean or in international routes of the APEC economies.
- Information exchange with Singapore and its Information Fusion Center (IFC) regarding trade routes; performing a follow-up of the incidents occurred in the Asian Southeast to improve and alert, in case it is necessary, the vessels that depart from national ports to waters and ports of the mentioned economies.
- The Maritime Authority, on behalf of the Chilean Government, continues to develop, review and approve security plans for all domestic port facilities, both ships and port facilities. This process was carried out by initial verification audits, annual audits of provisional verification and renewal audits. It has also increased the number of national audits and training.
- This process has been carried out by training the sufficient number of personnel to have the ability to perform the duties of port facility security audits and also improved verification procedures for the fulfillment of their obligations stipulated in the ISPS code.
- The Chilean Maritime Authority has also participated in exchange programs with other countries, which has increased the exchange of experiences and knowledge on port security matters.
- The Chilean Maritime Authority has incorporated into its procedures, the international practices for port facility security, improving their ability to assess risks and review protection plans. It has also increased the levels of requirements for port facilities that receive passenger ships.
- From January 1, 2014, the complete crews of the vessels that navigate abroad must have the IMO 3.26 and IMO 3.27 competency courses.

FURTHER MEASURES PLANNED TO IMPLEMENT COMMITMENTS (indicate timeframe)

Chilean officials continue to train instructors in other countries, mainly in Central America. Furthermore, the Chilean Maritime Authority has given conferences related to the protection of ships and port facilities.

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In December 2015, an advanced workshop related to practices and exercises of the APEC manual was held. It gathered maritime authorities, security officers of port facilities, police and Recognized Security Organizations. This workshop contributed greatly to acquire planning skills and implementation of practices and exercises, which will help in the incorporation of this modality to the protection activities in Chile. The workshop was conducted by APEC, IMO and CICTE of the Organization of American States. It is suggested to continue with these activities and to increase the number of participants and the number of days it lasts. The workshop was only theoretical, so it is suggested that in the future it can be held in a practical manner in a port facility.

WHAT SPECIFIC CAPACITY BUILDING NEEDS DOES YOUR ECONOMY HAVE THAT HINDER YOUR ABILITY TO IMPLEMENT COMMITMENTS, AND WHAT CAPACITY BUILDING OPPORTUNITIES COULD BE PROVIDED THROUGH APEC TO ADDRESS THESE NEEDS? PLEASE BE AS SPECIFIC AS POSSIBLE REGARDING THE TYPES OF CAPACITY BUILDING ACTIVITIES THAT WOULD BENEFIT YOUR ECONOMY (E.G., SEMINARS, WORKSHOPS, INFORMATION SHARING, BEST PRACTICES, SPECIALIZED TRAINING, ETC.)

- Funding to implement information/data fusion centres.
- Access to satellite synthetic aperture radar images in real time, in order to be able to make data/info correlation with AIS / LRIT / surface picture plot.
- Attending seminars/workshop/conferences on other economies' maritime domain / situational awareness doctrine / policies / procedures and experiences and lessons learned.
- Exchange of information and share good practices.
- Hold seminars, workshops, conferences with other economies, related to the implementation of the ISPS Code.

WHAT KIND OF EXPERTISE AND/OR ASSISTANCE COULD YOUR ECONOMY PROVIDE TO OTHER APEC MEMBERS THAT COULD HELP ADDRESS THEIR CAPACITY BUILDING NEEDS? PLEASE BE AS SPECIFIC AS POSSIBLE REGARDING THE TYPES OF CAPACITY BUILDING ACTIVITIES THAT YOUR ECONOMY COULD PROVIDE (E.G., SEMINARS, WORKSHOPS, INFORMATION SHARING, BEST PRACTICES, SPECIALIZED TRAINING, ETC.)

- To make the most of the experience obtained from the PACIOSWG and Singapore IFC regarding the joint work in the information exchange for the development and improvement of the surface picture, inviting the rest of the economies to take advantage of the formation of a working group (within the APEC) where the authorities of each economy in charge of maritime protection, can commit to and put into practice effective and real time protection measures, considering the identification and follow-up of threats, like the incorporation of the vessels of interest classification. We do not exclude inviting a member of this potential new committee to PACIOSWG and IFC-Singapore.
- To offer courses in Chile and abroad (case of the Mexican Navy), in matters of maritime protection, NCAGS, MDA/MSA.
- The Maritime Authority has a number of officers trained in matters of maritime security, trained for several years, both in classrooms and in the field. so they have enough experience to help support other member countries.

A.3 Protect International Aviation:

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LEADERS' AND MINISTERS' COMMITMENTS

- Introduce highly effective baggage screening procedures and equipment in all APEC international airports as soon as possible, and accelerate implementation of standards for reinforced flight deck doors for passenger aircraft wherever possible (2002).
 - **Screening Procedures**
 - DGAC conducts screening procedures to passengers and their cabin baggage at public airport and aerodromes of the airport network category A, B
 - Since 1996 the State of Chile has implemented checked-in baggage screening at all airports in order to meet regulations requirements.
 - Since 2002 Chile has implemented the transfer and transit passengers and cabin baggage screening process.
 - Since 2002 Chile has implemented the transfer and transit hold baggage screening process.
 - **Regulatory references:**
 - DAR 17 Security Regulations, Safeguarding Civil Aviation Against Acts of Unlawful Interference,
 - National Civil Aviation Security Program.
 - National Civil Aviation Security Quality Control Program.
 - **Equipment:**
 - Advanced technology screening machines
 - Computed tomography (4 levels systems)
 - Explosive detection dogs.
 - **Quality Control:**
 - Annual application of an audit, inspections and tests plan.
 - **Personnel:**
 - Aviation technicians specialized in airport security with initial and recurrent training.
 - **Reinforced flight deck doors:**
 - The installation of reinforced cockpit doors is included in current regulations on operational requirements, national and international, scheduled and non-scheduled (DAN 121).
 - Compliance with implementation in passenger transport aircraft is continuously checked by means of inspections and audits.

- Support International Civil Aviation Organization (ICAO) [mandatory aviation security audits](#) (2002, 2009).
 - Within ICAO Universal Security Audit Program USAP, the State of Chile has been audited during the first cycle in 2005 and in the second cycle in 2010. All observations were accepted and those of the latter cycle are in the implementation phase.
 - Also, two auditors are made available to ICAO to participate in USAP audits conducted by said organization in other States.
- Enhance air cargo security by promoting adoption of the guidelines developed by the [ICAO](#) (2002).
 - **Implementation:**
 - Since 2004 the State of Chile has implemented cargo screening and the regulated agent concept at all airports: To comply with this requirement, the following is available:
 - **Regulatory References:**
 - DAR 17 Security Regulations, Safeguarding Civil Aviation Against Acts of Unlawful Interference
 - National Air Cargo Security Program.
 - **Equipment:**
 - Cargo screening machines and
 - Explosive detection dogs.
 - **Implementation of the Regulated Agent concept:**
 - Procedures for certification and accreditation.
 - Disclosure of records.
 - Surveillance of security procedures by means of audits and inspections.
 - **Personnel:**
 - Airport technician specialized in airport security with initial and recurrent training.
 - Personnel working full-time in cargo screening and overseeing of cargo security processes.
- Examine emerging approaches to air cargo security; share information on efficient screening technologies and training; and harmonise aviation security measures (2009).
 - The State of Chile has a National Cargo Security Program in which air operators, cargo forwarders, courier, airport concessionaries and the Civil Aviation Board (JAC) participate.
 - Sharing of information on technology and procedures at ICAO AVSEC FAL meetings and at the Latin American Civil Aviation commission (CLAC), as well as bilateral agreements with other States.
 - At present work is being done with IATA in the implementation of Secure Freight project, which will supplement the supply chain security.
- Adopt strict domestic export controls on Man-Portable Air Defense Systems (MANPADS); secure stockpiles; regulate production, transfer, and brokering; ban transfers to non-state end-users; and exchange information in support of these efforts (2003).
 - The State of Chile has legislation on weapon control which regulates the carrying, manufacturing, commercialization and penalizes the trafficking of weapons and explosives.
 - With regard to MANPADS, the Armed Forces exert a tight control on this type of weapon.
 - All appropriate organizations responsible for border control have regulations, procedures, technologies and training to perform an efficient control of cargo and persons

- movements.
- With regard to threat assessment and monitoring of the presence of this type of weapons, this task was assigned by law to a specialized organization.
- APEC economies which did not do so before 2007 to conduct one MANPADS' assessment of a major international airport using the MANPADS' Vulnerability Assessment (MVA) guide established by the ICAO or similar international guidelines (2005).
 - The Aviation Authority has conducted security studies at all airports where this threat is considered.
 - The DGAC applies ICAO recommendations on this matter.
 - The National Intelligence Agency conducts a continuous assessment of threats to the country, providing the DGAC with information on the situation of the country.
 - Airports keep close relations with law enforcement agencies, sharing information on threat assessment and risk levels.
 - The DGAC has implemented a procedure for augmenting security measures according to the assessment made by police authorities.
- Work towards continuous improvement of aviation security oversight and quality control (2009).
 - **Implementation**
 - In 2007 the State of Chile implemented the National Civil Aviation Security Quality Control Program, covering air operators, airport terminal operators, service companies, cargo, mail, courier, private security.
 - Annual Audit Plan for airports and aerodromes
 - Annual Audits and Inspections Plan for air carriers, service companies, regulated agents.
 - Annual Security Tests Plan for airports and aerodromes.
 - Annual Security Tests Plan of for air carriers, service companies.
 - **Regulatory References:**
 - DAR 17 Security Regulations, Safeguarding Civil Aviation Against Acts of Unlawful Interference.
 - National Civil Aviation Security Program, National Quality Control Program.
 - **Quality Control Audits**
 - Audits,
 - Inspections,
 - Tests,
 - Security Studies
 - Security assessments and security research.
 - **Personnel:**
 - Aviation technician specialized in airport security with initial and recurrent training.
 - National AVSEC Inspectors and Auditors with initial and recurrent training.
- Implement effective capacity building programs for air cargo and air traveller protection, which help develop institutions and mobilize expertise and resources efficiently (2010)
 - The Aviation Authority of Chile has established regulations that include provisions for the protection of airports, aircraft, air cargo and passengers. It also assigns responsibilities to other State organizations, air operators etc. Legislation, regulations and programs are the following:
 - National Committee on Civil Aviation Security
 - DAR 17 Security Regulations, Safeguarding Civil Aviation Against Acts of Unlawful Interference

- National Civil Aviation Security Program
- National Civil Aviation Quality Control Program
- National Civil Aviation Security Training Program
- National Cargo Security Program. Airport Security Program
- Air Operators Security Program.
- Cargo Regulated Agents Programs.

MEASURES UNDERTAKEN SINCE LAST UPDATE TO IMPLEMENT COMMITMENTS

- The State of Chile complies fully with Annex 17. It has signed the Tokyo, The Hague and Montreal Conventions, Montreal Protocol and plastic explosives marking and has implemented all observations made by ICAO USOAP audit.

FURTHER MEASURES PLANNED TO IMPLEMENT COMMITMENTS (indicate timeframe)

- The Authority has defined the modernization of the Civil Aviation Security system which includes the increase in personnel, regulations updating, technology replacement, improvement of the unlawful interference response method (2011-2015)
- Arrangements have been made to train airport security personnel in the use of defensive weapons to deter and respond to possible unlawful interference acts.

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- In training and information on security measures and procedures.

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- Specialized training, sharing of information on emerging threats, new screening and detection technologies, technical manuals and procedures.

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- Assistance with instructors, sharing of information on threats and technology.

A.4 Protect People in Transit:

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LEADERS' AND MINISTERS' COMMITMENTS

- Implement as expeditiously as possible an [Advance Passenger Information](#) system for the collection and transmission of advance passenger information (2002).
- Consider joining the [Regional Movement Alert System](#) (RMAS) (2006).
- Adopt and implement agreed standards for machine readable travel documents, and application of biometrics in entry and (where applicable) exit procedures and travel documents consistent with [ICAO](#) and the [International Standards Organization](#) (2002).
- Assure the highest possible integrity of all government officials who are involved in border operations (2002).
- Develop a standardized strategic safety and security master plan for tourists, a crisis management model, and promote the development by industry of simple-to-use safety and security measures for tourism businesses (2002).
- Voluntarily provide information on lost and stolen travel documents to the existing database of the [International Criminal and Police Organization](#) (ICPO-Interpol) on a best endeavours basis (2005).
- Implement APEC Travel Facilitation Initiative to facilitate regional international travel, while ensuring the security of the overall travel system. (2011)

MEASURES UNDERTAKEN SINCE LAST UPDATE TO IMPLEMENT COMMITMENTS

- The National Head of Immigration and International Police of the Investigations Police of Chile (PDI in Spanish), the authority in charge of migratory control, has implemented all the ICAO recommendations and the International Standards Organization
- The PDI constantly updates the INTERPOL lost and stolen document data base.
- The APEC facilitation initiative has been implemented. At migratory control there is a special entrance for diplomats, APEC members and crew
- Concerning the commitments established that involve PDI (passenger movement), it is important to mention that protocols accomplish every adopted measure by standard of the PDI in the field of migration control. In order to do that, our staff has participated in training in the CICTE-OEA, and the OACI, and since 2015, has implemented an automated system called “Cromo”, to the website SLTD of the OIPC – INTERPOL. With regard to other commitments, at present the institution is working on creating the evaluation team the “Movement General System Alert” (MGSA).

FURTHER MEASURES PLANNED TO IMPLEMENT COMMITMENTS (indicate timeframe)

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A.5 Combat Threats to Security:

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LEADERS' AND MINISTERS' COMMITMENTS

- Review progress on commitments to dismantle trans-national terrorist groups (2003, 2005, 2006, 2007 and 2008).
- Eliminate the severe and growing danger posed by the proliferation of weapons of mass destruction and their means of delivery by strengthened non-proliferation regimes and adopting and enforcing effective export controls (2003, 2004, 2005 and 2006) as well as take appropriate individual and joint actions to protect legitimate financial and commercial system from abuse (2006).
- Ensure that any measures taken to combat terrorism comply with all relevant obligations under international law, in particular international human rights, refugee and humanitarian law (2005).
- Relevant economies to take steps towards the ratification and implementation of, or the commitment to ratify all basic universal antiterrorist conventions (2004, 2008).
- Increase and better coordinate counter-terrorism activities, where appropriate, through effective collaboration, technical assistance and capacity building, and cooperation between APEC's Counter-Terrorism Task Force with relevant **international, regional and functional organizations (2003) in accordance with the relevant APEC rules and practices.**
- **Relevant economies** to implement the International Atomic Energy Agency Code of Conduct on the Safety and Security of Radioactive Sources as well as the Guidance on the Import and Export of Radioactive Sources (2005).
- Continue efforts and cooperation on food defense to mitigate the terrorist threat to the food supply following the voluntary APEC Food Defence Principles (2007).
- Implement the APEC Consolidated Counter-Terrorism and Secure Trade Strategy to make regional commerce and travel more secure, efficient, and resilient (2011).

MEASURES UNDERTAKEN SINCE LAST UPDATE TO IMPLEMENT COMMITMENTS

- There is no evidence of transnational terrorist activity in Chile since the last update.
- Law 20.818, enacted in February 2015, established the responsibility to more than 1,000 State services and bodies to inform to the Financial Analysis Unit (UAF) of any suspicious transactions regarding money laundering and terrorist financing. Furthermore, the law sets the asset freeze and retention of persons related to terrorist financing activities in accordance with relevant UN Security Council resolutions.
- In December 2015 the Supreme Decree No. 647 establishing the Commission on Radiological Emergency Security, chaired by the Ministry of Interior and Public Security, was enacted. The Commission's mission is to advise and coordinate the relevant institutions on radiological or nuclear-based hypotheses such as terrorism or sabotage of emergency facilities or radioactive sources.
- Chile will chair the Inter-American Committee Against Terrorism (CICTE) of the Organization of American States during 2016

FURTHER MEASURES PLANNED TO IMPLEMENT COMMITMENTS (indicate timeframe)

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APEC could provide special training for Chilean law enforcement on investigation techniques of terrorist crimes. We would also like to share best practices with other economies on the same issues.

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B. HALTING TERRORIST FINANCING:

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LEADERS' AND MINISTERS' COMMITMENTS

- Cut off terrorists' access to the international financial and commercial system, including by implementing standards and agreements on combating terrorist financing and money laundering (2002, 2004, 2006, 2007, 2008 and 2009).
- Enhance law enforcement and regulatory capabilities by establishing or identifying a financial intelligence unit (FIU) in each member economy, and enhancing information sharing with other FIUs (2002).
- Relevant economies to implement [UN and other international instruments](#) (2002).
- Implement, where applicable, the [FATF's Special Recommendations](#) on terrorist financing, including those relating to non-profit organizations, alternative remittance systems and illicit cash couriers (2002, 2008).

MEASURES UNDERTAKEN SINCE LAST UPDATE TO IMPLEMENT COMMITMENTS

1) Approval of Law 20.818 that amends Law No. 19.913.

Law 20.818, adopted in February 2015, incorporates a series of amendments to Law 19.913 that strengthens the powers of the Financial Analysis Unit (UAF in Spanish) and the overall national system against money laundering and the financing of terrorism.

In regards to the crime of financing of terrorism, the amendments approved incorporate the following new institutions, procedures and powers of the different actors of the system:

1. **Incorporation of the offence of financing of terrorism:** The law expressly incorporates the financing of terrorism as one of the two offences -together with the crime of money laundering-, the UAF is committed to prevent within the financial system and other economic sectors. Consequently, it incorporates rules that expressly empower the UAF to examine and analyze suspicious transactions that could be linked to the financing of terrorism (article 2 letters a and b) and orders its referral to the Public Prosecutors Office.
2. **Modification of suspicious transaction report:** Law 20.818 modifies the concept of suspicious operation reports by including the financing of terrorism and transactions performed by natural or legal persons enlisted in the Security Council Resolutions, whether they are committed in isolation or permanently (Article 3).
3. **Procedure for lifting bank secrecy:** Law 20.818 establishes an expeditious judicial procedure to authorize the lifting of the banking secrecy in the case of UAF's requests of additional information to reporting entities, or other persons not included by the law as reporting entities (Article 2 letter b).
4. **New reporting entities:** Modifies the list of reporting entities to the UAF, eliminating the Foreigner Investments Committee and incorporating, within its scope of control and monitoring, new subjects obliged to report suspicious transactions, such as, for example, the stock exchanges and commodity exchanges that can be or are linked to financial activities, the professional sports organizations referred to in Law No. 20,019, the Savings and Credit Cooperatives, as well as the representations of foreign banks and other financial

entities. It also incorporates public services and agencies as reporting entities.

5. **Retention and preventive procedure for freezing of assets:** With respect to the financing of terrorism, the law establishes an administrative procedure with judicial ratification, of the preventive retention of assets, exercised by the Financial Analysis Unit, complying with the resolutions of the United Nations Security Council.

Additionally, Law 20.818 modifies the following aspects of Law 19.913:

- The list of base offenses of money laundering, is adapted and perfected;
- Special rules are established for the application of penalties, when the penalty for money laundering is greater than the one the judge can apply for the base offense under investigation;
- Extends the secrecy of the investigation not only to the offences of money laundering and illicit association to money laundering, but also to all those referred to in Law 19,913;
- It regulates in a better way the provisional file by prosecutors;
- Empowers the National Customs Service to apply fines when it detects that it has not been declared the entry or exit of cash or bearer negotiable instruments by an amount equal or greater than US\$10,000 according to article 4 of the Law No. 19,913, being able to retain up to 30% of the money not declared or 100% of the bearer instruments.

2) **United Nations Security Council Resolutions incorporation in domestic law.**

1. Chile approved Resolution 2,253, issued on December 17, 2015, of the United Nations Security Council, to which it was a member until December 31, 2015, to strengthen measures against terrorist organizations.
2. In December 16, 2015, President Bachelet Jeria issued Supreme Decree No. 227, which establishes measures to fully implement Resolutions Nos. 1267 (1999) and 1989 (2011) -related to Al-Qaida and associated persons and entities-, Resolution No. 1988, and Resolution No. 1373 of UN Security Council, regarding the prevention, combat and financing of terrorism. Decree No. 227 orders the periodic updating of the UN lists by the Ministry of Foreign Affairs and its communication to the Financial Intelligence Unit, who, on its turn, will gather and request the corresponding information to identify persons, groups, undertakings and entities and recommend its inclusion or exclusion from the lists elaborated by the UN Security Council Committees. Decree 227 expressly allows the preventive freezing of assets of persons, groups, undertakings and entities signalled in the UN Security Council lists, under the procedure established by Law No. 19.913.
3. Due to the above-mentioned, in February 2016, UAF issued Circular Letter No. 55 that requires natural and legal persons established in article 3° of Law No. 19.913, to review periodically the UN Resolution lists and to inform the UAF immediately through a Suspicious Transaction Report the identification of any person, undertaking or entity signalled in those lists.

3) **Intersectorial Committee on the Prevention and Combat against Money Laundering and the Financing of Terrorism.**

In July 19, 2016, Decree No. 1724 was issued and published in the Official Gazette, making official the creation of the Intersectorial Committee on the Prevention and Combat against Money Laundering and the Financing of Terrorism. The Intersectorial Committee is a permanent advisory body of the President, of inter-institutional composition, entrusted with the mission of advising and coordinating the actions, plans and programs of the different institutional actors in matters related to the prevention, detection and prosecution of money laundering and the financing of terrorism. Likewise, the Intersectorial Committee will follow up the progress of the objectives of the 2013 National Strategy against ML/FT.

FURTHER MEASURES PLANNED TO IMPLEMENT COMMITMENTS (indicate timeframe)

The Ministry of Foreigner Affairs, in collaboration with the UAF and other public entities, is currently working on a legislative project to incorporate into domestic legislation Resolution 1540 (2004) regarding the proliferation of nuclear, chemical and biological weapons and their means of delivery, and Res. 1718 (2006) regarding the proliferation of weapons of mass destruction and the freezing of overseas assets of individuals and companies involved with the Democratic People's Republic of Korea's (DPRK) weapons programmes.

PLEASE DESCRIBE THE APEC CAPACITY BUILDING ACTIVITIES IN WHICH YOUR ECONOMY PARTICIPATED DURING THE LAST YEAR. WHAT BENEFITS DID YOUR ECONOMY DERIVE FROM THESE ACTIVITIES? WHAT FOLLOW-ON ACTIVITIES WOULD BE USEFUL?

WHAT SPECIFIC CAPACITY BUILDING NEEDS DOES YOUR ECONOMY HAVE THAT HINDER YOUR ABILITY TO IMPLEMENT COMMITMENTS, AND WHAT CAPACITY BUILDING OPPORTUNITIES COULD BE PROVIDED THROUGH APEC TO ADDRESS THESE NEEDS? PLEASE BE AS SPECIFIC AS POSSIBLE REGARDING THE TYPES OF CAPACITY BUILDING ACTIVITIES THAT WOULD BENEFIT YOUR ECONOMY (E.G., SEMINARS, WORKSHOPS, INFORMATION SHARING, BEST PRACTICES, SPECIALIZED TRAINING, ETC.)

The enactment of Law 20.818 that amends Law 19.913, particularly the incorporation of the offence of financing of terrorism, stresses the need to strengthen the training and expertise of the analysts of the Unit in the field of terrorist financing. In this sense, it is a priority to receive technical assistance in this area through workshops and training and benefit from the experience of homologous units that have already implemented and developed the ability to analyze transactions related to terrorist financing.

The incorporation of public bodies as reporting entities is also another aspect of concern. It is important to strengthen the role of public institutions and their new role as reporting entities through training.

WHAT KIND OF EXPERTISE AND/OR ASSISTANCE COULD YOUR ECONOMY PROVIDE TO OTHER APEC MEMBERS THAT COULD HELP ADDRESS THEIR CAPACITY BUILDING NEEDS? PLEASE BE AS SPECIFIC AS POSSIBLE REGARDING THE TYPES OF CAPACITY BUILDING ACTIVITIES THAT YOUR ECONOMY COULD PROVIDE (E.G., SEMINARS, WORKSHOPS, INFORMATION SHARING, BEST PRACTICES, SPECIALIZED TRAINING, ETC.)

C. PROMOTING CYBER SECURITY

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LEADERS' AND MINISTERS' COMMITMENTS

- Countering terrorism by implementing and enhancing critical information infrastructure protection and cyber security to ensure a trusted, secure and sustainable online environment (2002).
- Enhance mutual cooperation on countering malicious online activities and engage in efforts to increase cybersecurity awareness (2010).

MEASURES UNDERTAKEN SINCE LAST UPDATE TO IMPLEMENT COMMITMENTS

- Chile is committed to sign the Budapest Convention. In 2009 Chile established an Interministerial Working Committee for that purpose, which was reactivated in 2014. The Convention is currently under discussion at Congress.
- Since 2015 Chile has been working on the drafting of a National Cybersecurity Policy.

FURTHER MEASURES PLANNED TO IMPLEMENT COMMITMENTS (indicate timeframe)

- Sign the Convention on Cybercrime of the Council of Europe (Budapest Convention) (2016)
- Release a National Cybersecurity Policy and its action plan (2016)
- Develop a new Cybersecurity Law (2017)
- Prepare an International Cyberspace Policy and a Cyberdefense Policy (2017)

PLEASE DESCRIBE THE APEC CAPACITY BUILDING ACTIVITIES IN WHICH YOUR ECONOMY PARTICIPATED DURING THE LAST YEAR. WHAT BENEFITS DID YOUR ECONOMY DERIVE FROM THESE ACTIVITIES? WHAT FOLLOW-ON ACTIVITIES WOULD BE USEFUL?

WHAT SPECIFIC CAPACITY BUILDING NEEDS DOES YOUR ECONOMY HAVE THAT HINDER YOUR ABILITY TO IMPLEMENT COMMITMENTS, AND WHAT CAPACITY BUILDING OPPORTUNITIES COULD BE PROVIDED THROUGH APEC TO ADDRESS THESE NEEDS? PLEASE BE AS SPECIFIC AS POSSIBLE REGARDING THE TYPES OF CAPACITY BUILDING ACTIVITIES THAT WOULD BENEFIT YOUR ECONOMY (E.G., SEMINARS, WORKSHOPS, INFORMATION SHARING, BEST PRACTICES, SPECIALIZED TRAINING, ETC.)

WHAT KIND OF EXPERTISE AND/OR ASSISTANCE COULD YOUR ECONOMY PROVIDE TO OTHER APEC MEMBERS THAT COULD HELP ADDRESS THEIR CAPACITY BUILDING NEEDS? PLEASE BE AS SPECIFIC AS POSSIBLE REGARDING THE TYPES OF CAPACITY BUILDING ACTIVITIES THAT YOUR ECONOMY COULD PROVIDE (E.G., SEMINARS, WORKSHOPS, INFORMATION SHARING, BEST PRACTICES, SPECIALIZED TRAINING, ETC.)

- Exchange of information in relation to cybercrime and, where possible, under the Budapest convention framework.

POSSIBLE ASSISTANCE AND EXPERTISE TO OFFER

Contact Point for Assistance and Expertise not included above:

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Economies with particular expertise and resources to offer could indicate this here and/or refer members to relevant websites.