

DAJ-FG-170-2018

EXECUTIVE DECREE N °

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THE PRESIDENT OF THE REPUBLIC

AND THE MINISTER OF HEALTH

In use of the attributions conferred by articles 140 subsections 3) and 18) and article 146 of the Political Constitution; 25 subsection 1), 27 subsection 1) and 28 subsection 2) subparagraph b) of the Law No. 6227 of May 2, 1978 "General Law of Public Administration"; 1, 2, 4, 147 and 182 of Law No. 5395 of October 30, 1973 "General Health Law"; 2 items b) and c) and 6 of Law N ° 5412 of November 8, 1973 "Organic Law of the Ministry of Health"; the Law No. 8279 of May 2, 2002 "Law of the National System for Quality" and Law No. 7475 of December 20, 1994 "Approval of the Final Act incorporating the Results of the Uruguay Round of Multilateral Trade Negotiations ", 1 and 2 of the Law No. 7557 of October 20, 1995 "General Law of Customs" and 36 of Law No. 8839 of June 24, 2010 "Law for the Integral Management of Residues".

CONSIDERING:

- I.- That the health of the population is a public good protected by the State.

- II.- That, consequently, it is an unavoidable duty of the State to ensure the health of the population, avoiding or repressing those acts or omissions of individuals that imply

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a risk to human health, as a legal right of supreme importance for development social and economic of the country.

III.- That a way to preserve public health is through an active responsible, efficient and continuous monitoring of national health, avoiding and minimizing the propagation of vectors in adult stage (mainly mites), as transmitters of diseases, to reduce man, vector and pathogen contact.

IV.- That the survival of certain vectors can last for several months, including in adverse conditions of temperature, humidity and nutrients.

V.- That to avoid the propagation of vectors through used garments, it requires its sanitization.

VI.- That there has been evidence of the existence of points of embarkation and sale of clothing and used shoes, feminine and masculine underwear, in terrible sanitary conditions, these being constituted in unhealthy merchandise for their use or reuse.

VII.- That Articles 23 and 24 of Executive Decree No. 17624-S of June 26, 1987 "Regulation on Epidemiological Surveillance and Control of Communicable Diseases", published in La Gaceta No. 131 of July 13, 1987, establish the requirements that must be met by the

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used clothing that enters the country for commercialization, however, because of the changes that have arisen
In the sanitary approach, it is necessary and timely to dictate a specific regulation, with the
so that it meets the current health requirements.

VIII.- That in accordance with the provisions of Article 12 bis of Executive Decree No.
37045-MP-MEIC of February 22, 2012 "Regulation to the Law for the Protection of the Citizen
of the Excess of Requirements and Administrative Procedures "and its reform, this regulation fulfills
with the principles of regulatory improvement, according to report No. *****, issued by the
Regulatory Improvement Directorate of the Ministry of Economy, Industry and Commerce.

So,

DECREE:

Article 1 - Approve the following Technical Regulations:

RTCR: 494-2018. TEXTILES AND TEXTILE PRODUCTS. USED CLOTHES.

REGISTRATION AND OBLIGATORY OF SANITIZATION**1. OBJECTIVE**

Establish the sanitary requirements that the used garments must meet
in bulk, coming from abroad to be stored and sold.

Also, establish the conditions of sanitization to which the garments must submit used for marketing.

2. SCOPE OF APPLICATION

This technical regulation applies to all used garments packed in bulk, separated from other goods coming from abroad, for the purpose of desalination and marketing, in accordance with Law No. 7557 of October 20, 1995 "Law General of Customs" and Executive Decree No. 33452-COMEX-MAG-H-GP-S of June 15 2006 "Regulation of the Foreign Trade Single Window System" and the present regulation.

Also included within the scope of this technical regulation, used garments national companies that are going to be commercialized.

3. REFERENCES

3.1 Executive Decree No. 33452-COMEX-MAG-H-GP-S of June 15, 2006 "Regulation of the Foreign Trade Single Window System," published in La Gaceta, No. 235 of December 7, 2006.

3.2 Executive Decree No. 40049-MEIC of October 25, 2016 "RTCR 483: 2016.

TEXTILES AND TEXTILE PRODUCTS. USED LABELING. ", Published in the Reach No. 296 to La Gaceta No. 237 of December 9, 2016.

3.3. Executive Decree No. 17624-S of June 26, 1987 "Surveillance Regulation

Epidemiology and Control of Communicable Diseases ", published in La Gaceta No. 131 of July 13, 1987.

4. DEFINITIONS

4.1 footwear : clothing with sole, intended primarily to protect, cover and protect the foot, facilitating walking, performing sports, artistic and other activities, may have aesthetic connotations and in special cases, therapeutic or corrective.

4.2 final disposal : process of finalizing waste, especially non-recoverable waste, through procedures and places specially selected, designed and duly authorized to avoid contamination and damage or risks to human health and the environment.

4.3 bulk packaging : form of presentation and transport of goods in bales, sacks, bags, boxes or any similar packaging, without packing or packing individually,

4.4 used garment (used clothing): that article made with textiles or other materials, which is intended to cover part of the body and that has been used previously by one or more people.

4.5 garment in poor condition : that article made with textiles or other materials, which is intended to cover part of the body and that has been used previously by one or more persons, but at the discretion of the sanitary or customs inspector must be discarded, for not meeting quality, acceptability or hygiene criteria.

4.6 sanitization process: physical-chemical conditions, for a given time, through which guarantees that the garments are properly sanitized to protect the health human

4.7 textile products: clothing, house clothes and accessories.

4.8. Household linen and accessories : articles made of natural, synthetic or synthetic fibers or a mixture of the previous ones that have a different use to the articles of clothing, and that are designed for any of the following functions: protection, adornment or cleaning of the home and commercial or service establishments, such as: curtains, towels, carpets, blankets, blankets, cleanses, mentioned in a non-limiting manner.

4.9 Intimate clothing: clothing worn directly on the skin, usually covering a person's external sexual organs and putting them under other clothes They are used in a personal way and include but not limited to: shorts, underpants, trusa, thong, panties, brassiere, corset, garter belts, undershirts, stockings, socks, pajamas, nightgowns, bikini, bodice, bottoms, panties, tights, baby doll, pantyhose, swimsuit, boxer, bermuda, tights, bodysuit, diapers.

4.10 sanitize: process of sanitization to which the used garments are subjected, by means of a water washing process, carried out with different chemical agents, in order to that its use is sanitary to people, followed by dry or humid heat.

4.11 used textile: that textile and textile product that has been previously used.

5. REGISTRATION OF IMPORTERS

5.1 In order to be able to carry out imports through the Single Window system of Foreign Trade, any importer of used garments, must register with the Customer Service Department of the Ministry of Health.

5.2 To make the registration, the importer must present, before the Directorate of Attention to the Client of the Ministry of Health, the following requirements:

- a) Fill out the importer registration form in full, according to Annex I of the present regulation.
- b) Indicate the number of the Operating Sanitary Permit of the establishment importer.
- c) Indicate the name, location and number of the Operating Health Permit current, of the establishments that will be used for the washing of garments used.
- d) Be registered as "Ordinary Waste Manager" in accordance with Law No. 8839 of June 24, 2010 "Law for the Integral Management of Residues", or

indicate the name of the manager authorized by the Ministry of Health through which will dispose of those garments that should be discarded because they are prohibited by the present regulations or in poor condition.

The registration as importer of used garments will not expire.

Within a period of ten business days, the Customer Service Department of the Ministry of Health, must resolve the application for registration or deregistration as an importer of used garments. In this period, you must verify the information presented by the administrator and to prevent him, for a single time and in writing, from completing the requirements omitted in the application or the procedure, or that clarify or correct the information.

Prevention must be carried out by the Administration as a whole, valid for officials, and new requirements may not be requested or new defects may be were not prevented in a timely manner, even though it is another official who Qualify for the second time.

The indicated prevention suspends the resolution term of the Administration and grant the interested party up to ten business days to complete or clarify; elapsed These will continue the computation of the remaining term foreseen to resolve.

In cases in which no response is received from the administration to the indicated prevention or If the received documentation does not comply with the provisions, the Directorate of Attention to Client of the Ministry of Health, will issue a resolution denying the request, which must fundamentally the reason for rejection. This resolution must be notified

to the interested The denial of the application, will end the process. Against refusal resolution will fit the resources established by Article 60 of Law No. 5412 of November 8, 1973 "Organic Law of the Ministry of Health."

In case of requiring the registration of the garment importer as importer used, the applicant must submit a note to the Customer Service Department Ministry of Health, indicating the request.

5.3 Prior to the entry of the product into the national territory, the importer must present a Declaration of Compliance, through the Single Window System of Foreign Trade, in accordance with Annex 1 of Decree No. 37662-MEIC-H-MICIT of December 12, 2012 "Procedure for the demonstration of the evaluation of the conformity of the technical regulations ". In case the garments come pre sanitized, the importer must attach a document issued by the government of the country of origin, indicating the sanitation process to which the garments, or a Sworn Statement from the sender, stating that they comply with what is established in subsection 6 "SANITIZATION" of this technical regulation. Both of them documents must be apostilled, unless the apostille requirement is found exempted by an international agreement, which must be so indicated by the importer and if they are written in a foreign language, they must be accompanied by a translation official.

6. SANITIZATION

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6.1 Requirements. Any article of import consisting of used garments that

enter and be decomposed, before their commercialization within the national territory, should be go through the sanitation process described in this technical regulation, which ensures its cleaning to be used by the population.

Likewise, used garments generated nationally and that go to marketed must conform to the requirements of this section. The marketers of said clothing, at the points of sale, they must keep a record of the lots indicating the date and the company that provided the washing service, which will be available to the authorities of the Ministry of Health.

6.2 Sanitation process. Requirements

6.2.1 Used garments must be washed with water at a temperature above 60 degrees Celsius and detergent, with which you must maintain contact by stirring for 20 minutes, followed by dry or humid heat, at high heat (according to indication of the equipment used) by at least 30 minutes, which complements the elimination of risk vectors to health.

6.2.2 Laundries that carry out the washing of used clothing shall carry a Log of the washing of the imported garments, indicating the Form number of Desalination Authorization (FAD) that has been indicated in the Single Window System of Foreign Trade, in accordance with Executive Decree No. 33452-COMEX-MAG-H-GP-S of June 15, 2006 "Regulation of the Single Window System of Commerce Exterior ", as well as the conditions in which they were sanitized, as indicated in the

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point 6.2.1 of this regulation. This logbook will be available to the authorities of the Ministry of Health.

6.2.3 Laundries for used clothing that must discard garments, footwear, textiles and used accessories, because they are goods that are prohibited by this regulation or by be in poor condition, must be returned to the importer, who will be responsible for their final disposition, in accordance with section 5.2, clause d) of this regulation. For Used clothing imported or of national origin is allowed as a method of final disposal. co-processing, co-processing or shipping to a sanitary landfill.

The importer must keep a log that records the returns indicated above, as well as as the method of final disposal of such goods. The health authorities will verify Periodically, the importer's records agree with the logs of the laundries and those in charge of carrying the final provision. The documentation The backup of the blog should be kept for a period of 4 years.

6.3 LAUNDRY REGISTRATION

6.3.1 All laundry of used garments must be registered with the Management of Customer Service of the Ministry of Health, indicating the Health Permit number of Functioning. This registration will be done ex officio by the Customer Service Department, with base in the records of Operating Sanitary Permits granted by the Ministry of Health and the information provided by the importer in section 5.2 c).

7. COMPETENT AUTHORITIES

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It corresponds to the Ministry of Health, within the scope of its powers, to verify the provisions in these regulations, in accordance with the provisions of articles 1, 2, 4, 147 and 182 of Law No. 5395 of October 30, 1973 "General Health Law". This will be done to

through its Directorates of Health Governing Areas.

8. CONFORMITY EVALUATION PROCEDURE

8.1 Based on the verification of the requirements established in sections 5.2 and 5.3 of the present standard, the Single Foreign Trade Window shall issue the approval of the Desalination Authorization Form (FAD), contained in the Window System Only Foreign Trade, in accordance with Executive Decree No. 33452-COMEX-MAG-H-GP-S of June 15, 2006 "Regulation of the Single Window System of Foreign trade".

8.2 The Directorates of the Health Control Areas of the Ministry of Health shall be the responsible for carrying out, the control of laundries indicated in the Registry of Importers of Used Clothing.

8.3 The Directorates of the Health Governing Areas will be responsible for ensuring the compliance with this regulation, and shall carry out inspections in laundries and national businesses, randomly, by complaint, scheduled or by selective sampling, to ensure that the bales or bundles of imported used garments, as well as the generated nationally, have gone through the sanitation process, verifying the laundry logs in order to verify that they have registered and complied with the conditions established in section 6.2.1 of this Technical Regulation.

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8.4 The Directorates of the Master Health Areas shall carry out inspections in a random, by complaint, scheduled or by selective sampling, at clothing outlets used to verify compliance with the ban on the marketing of clothing wearing used female or male intimates, in accordance with the provisions of the article

2 of this decree. These retail outlets for used clothing are classified with the ISIC code 4751 " *Retail sale of textile products in specialized stores* " corresponding to Risk Category "C" (Under Sanitary Risk), in accordance with the Executive Decree 39472-S of January 18, 2016 "General Regulations for Authorizations and Sanitary Operating Permits granted by the Ministry of Health. "

8.5 For verification of compliance, the Ministry of Health will apply Model 9 of Conformity Assessment, established in Executive Decree N ° 37662-MEIC-H-MICIT of December 12, 2012 "Procedure for the demonstration of the evaluation of the conformity of technical regulations ", the foregoing, since there are no regulations internationally accepted, or national verification or certification bodies for the sanitization procedure, which by its absence must be verified by the Ministry of health. The Ministry of Health must verify the provisions of sections 6 and 8 of the present technical regulation, as described below:

8.6 Procedure. In laundries, the provisions of sections 6.2.1 and 6.2.2 of this technical regulation, through documentary audit to be carried out by the Ministry of Health, which includes garments included in a sample of 10% of the Desalination Authorization Forms, corresponding to the month of the inspection. To verify the provisions of section 8.4 of this regulation, an inspection will be carried out visual that includes a sample of 5% of the used clothes put up for sale.

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9 CONCORDANCE.

This standard is not in accordance with any international regulations.

10. BIBLIOGRAPHY

10.1 Chile. 1995. Decree No. 2389, Sanitary Standard regarding Imported Used Clothing, published in the Official Newspaper of 23.12.95.

10.2 Chile. Resolution No. 6319 / 14.10.13 SAG.

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Page 15**ANNEX I (NORMATIVE)****APPLICATION FORM
REGISTRATION OF USED CLOTHING IMPORTERS****A. INFORMATION RELATED TO THE USED CLOTHING IMPORTER:**
(Do not leave blank spaces, write clear preferably letter printing or mold free of deletions)

- 1** NAME OF THE USED CLOTHING IMPORTER: **2** No. FUNCTIONALITIES SANITARY PERMIT:
3 PROVINCE: **4** CANTON: **5** DISTRICT:
6 EXACT DIRECTION OF THE ESTABLISHMENT (STREET / AVENUE AND OTHER SPECIFIC SIGNS):

Box No. 11: name of the legal representative of the activity or establishment. In case of being a natural person, the representative's name and surname must be written down legibly. If it is a legal person, indicate the name and surname of the legal representative.

Box No. 12: Number of identification document. Enter the respective valid identity document number.

Casillas N° 13, 14, 15, 16: Clearly record the telephone numbers, fax, post office box and email address of the Legal Representative of the activity or establishment, in order to maintain a timely way of communication with the company when circumstances warrant it.

Box No. 17: Place or means of notification of legal representative of the activity or establishment. Write legibly the address or means to receive notifications and any other signal that allow to correctly locate the legal representative of the activity or establishment.

Box No. 18: Signature of the Legal Representative of the activity or establishment. In this space the signature of the Legal Representative of the activity must be consigned or application, this signature must be authenticated by a lawyer.

Box No. 19: List of laundries where it will take out the washing process of the garments used. Next, each of the establishments where the used clothing will be subjected should be listed process that guarantees that the garments are properly sanitized.

Box No. 19.1. 19.2 in ahead: Each of the washing establishments must be noted, indicating the exact address of their location and the current Operating Sanitary Permit number for the activity of laundry.

----- End of Regulation -----

Article 2 - Prohibitions.

The importation of used footwear and used intimate clothing, as described, is prohibited these in subsections 4.1, 4.4, 4.5, 4.9 of this regulation. It is also prohibited the commercialization and donation of the aforementioned products, which are within the National territory. All these products must be destroyed by co-incineration, the co-processing or shipment to a sanitary landfill, which will be carried out by the importer

as indicated in Article 6.2.3, reporting each destruction to the designated official by the Directorate of the Territorially competent Area of Health.

Article 3 - In case of contravention of the provisions of this regulation

technical, the special measures referred to in articles 355 to 366 of the Law shall apply.

No. 5395 of October 30, 1973 "General Health Law".

Article 4 - Articles 23 and 24 of Executive Decree No. 17624-S of 26 are repealed
June 1987 "Regulations on Epidemiological Surveillance and Disease Control
Transmisibles ", published in La Gaceta No. 131 of July 13, 1987.

Article 5 - This decree shall take effect six months after its publication in the
Official Gazette.

Given in the Presidency of the Republic. San José, on the *** days of the month of ****
Two thousand and eighteen.

CARLOS ALVARADO QUESADA

DRA. GISELLE AMADOR MUÑOZ

MINISTER OF HEALTH