

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

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Special Distribution

Committee on Subsidies
and Countervailing Measures

Original: Spanish

INFORMATION ON INTERPRETATION AND APPLICATION OF THE AGREEMENT

Legislation of Chile

The following communication dated 21 November 1981 has been received from the Permanent Delegation of Chile.

The Permanent Delegation of Chile takes pleasure in transmitting herewith the texts of Decree No. 742 of the Ministry of Finance, published in the Diario Oficial of 21 October 1981, and Chapter XXIV of the Compendium of Rules on Imports approved by the Executive Board of the Central Bank of Chile on 11 November 1981 and published in the Diario Oficial on 14 November 1981.

By Decree No. 742 of the Ministry of Finance, the Central Bank of Chile is designated the national authority competent to initiate and conduct investigations relating to subsidies and countervailing duties. This agency is also empowered to approve the rules which are to govern investigations to determine the existence of a subsidy and the existence or threat of injury to a national productive activity as a result of that subsidy. The second of the texts mentioned incorporates in Chapter XXIV of the Compendium of Rules on Imports the "Regulations for investigations referred to in the Agreement on Interpretation and Application of Articles VI, XVI and XXIII of the General Agreement on Tariffs and Trade".

The Permanent Delegation of Chile would be grateful if the two texts were brought to the attention of the signatories of the Code on Subsidies and Countervailing Duties.

DIARIO OFICIAL DE LA REPUBLICA DE CHILE

Wednesday 21 October 1981

DESIGNATES NATIONAL AUTHORITY COMPETENT TO INITIATE AND CONDUCT INVESTIGATIONS REFERRED TO IN THE AGREEMENT ON INTERPRETATION AND APPLICATION OF ARTICLES VI, XVI AND XXIII OF THE GENERAL AGREEMENT ON TARIFFS AND TRADE

No. 742 - Santiago, 15 October 1981. Having regard to: Act No. 9332 published in the Diario Oficial of 23 March 1949; Decree No. 229 of 1949 of the Ministry of Foreign Affairs, published in the Diario Oficial of 23 March 1949; the Official Declaration relating to Decree No. 229 of 1949 of the Ministry of Foreign Affairs; Decree No. 286 of 1950 of the Ministry of Foreign Affairs, published in the Diario Oficial of 30 May 1950; Decree No. 409 of 1952 of the Ministry of Foreign Affairs, published in the Diario Oficial of 3 October 1952; Decree No. 274 of 1962 of the Ministry of Foreign Affairs, published in the Diario Oficial of 17 August 1962; Decree-Law No. 3567, published in the Diario Oficial of 30 January 1981; Decree No. 300 of 1981 of the Ministry of Foreign Affairs, published in the Diario Oficial of 13 June 1981; and Decree No. 10 of the Ministry of Finance of 2 January 1967 and subsequent amendments thereto,

I hereby decree as follows:

Article 1 - Without prejudice to the powers of the President of the Republic to fix countervailing duties, the Central Bank of Chile is hereby designated the national authority competent to initiate, conduct and conclude investigations referred to in the "Agreement on Interpretation and Application of Articles VI, XVI and XXIII of the General Agreement on Tariffs and Trade".

Article 2 - In accordance with the provisions of the "Agreement on Interpretation and Application of Articles VI, XVI and XXIII of the General Agreement on Tariffs and Trade", the Central Bank of Chile shall lay down the rules which shall govern the said investigations.

For review, communication and publication.

AUGUSTO PINOCHET UGARTE, General of the Army, President of the Republic.
Sergio de Castro Spikula, Minister of Finance. René Rojas Galdames, Minister for Foreign Affairs.

DIARIO OFICIAL DE LA REPUBLICA DE CHILE

Santiago, Saturday 14 November 1981

DECISION ADOPTED BY THE EXECUTIVE BOARD OF THE CENTRAL BANK OF CHILE
AT ITS MEETING No. 1411, HELD ON 11 NOVEMBER 1981

1411-04-811111 - Incorporates Chapter XXIV in the Compendium of Rules
on Imports.

REGULATIONS FOR INVESTIGATIONS REFERRED TO IN THE AGREEMENT ON
INTERPRETATION AND APPLICATION OF ARTICLES VI, XVI AND XXIII OF THE
GENERAL AGREEMENT ON TARIFFS AND TRADE

1. The purpose of these Regulations is to lay down the rules which shall govern investigations by the Central Bank of Chile to determine the existence of export subsidies which may be granted in other countries and which may constitute the cause or a direct threat of material injury to a productive activity in the country, all the foregoing in accordance with the Agreement referred to in the title, hereinafter referred to as the "Agreement", which was approved by Decree-Law No. 3567 of 1980 and to which Supreme Decree of the Ministry of Foreign Affairs No. 300 of 1981 refers.
2. A "Commission" composed of the Legal Counsel, the Director of Operations, the Director of Financial Policy, the International Director and the Manager of Studies, hereinafter referred to as the "Commission", shall be responsible for hearing any complaints which may be lodged concerning the existence of an export subsidy and for directing that the appropriate investigation shall be initiated when there is sufficient evidence to justify it. The said investigation shall be carried out by the Directorate of Operations.
3. A complaint concerning the existence of an export subsidy may be lodged with the Directorate of Operations by any natural or legal person to whom such subsidy causes or threatens material injury.
4. The person lodging a complaint concerning an export subsidy shall furnish such particulars as the said Directorate of Operations may request, and in any case those specified in the complaint form annexed to these Regulations.
5. When a complaint has been lodged, the Directorate of Operations shall bring it to the notice of the "Commission" so that the "Commission" may decide within a time-limit of thirty days whether there is sufficient evidence to justify initiating an investigation and, if so, instruct the Directorate of Operations to begin examining and processing the complaint immediately. The existence or non-existence of such sufficient evidence shall be affirmed in a resolution of the "Commission" which shall be communicated to the complainant, by registered letter addressed to the domicile printed in the complaint, within five working days following the date of its adoption.

6. Within five working days after the initiation of an investigation, the General Secretariat of the Central Bank shall publish in the Diario Oficial an extract of the particulars constituting the grounds for the decision to proceed with that investigation. In that event, the said extract shall specify the subsidies and goods which are the subject of the investigation.

7. Once the extract referred to in the preceding paragraph has been published in the Diario Oficial, and within a time-limit of ninety days counting from the date of such publication, any person who has an interest at stake may submit to the Directorate of Operations particulars connected with the investigation concerned.

8. Such particulars relating to investigations into export subsidies as come into the possession of the Directorate of Operations shall be public unless they are by nature confidential or the interested party furnishing them has requested that they should be expressly kept private. Interested parties providing confidential information may be requested to furnish non-confidential summaries thereof. If they fail to do so, the "Commission" may disregard those particulars whose publication has been refused by the interested parties without due cause.

9. If at any time in the course of an investigation the Directorate of Operations considers that the particulars assembled do not demonstrate the existence of an export subsidy, or that the subsidy whose existence they demonstrate does not cause or threaten material injury to a productive activity in the country, or that these rules have not been complied with, it shall so inform the "Commission". The "Commission" may, in view of the particulars, resolve to reject the complaint in question, and in that event, within the next five working days, the resolution to that effect shall be communicated by registered letter to the complainant and an extract thereof shall be published in the Diario Oficial.

10. Within a time-limit of fifteen calendar days counting from the dispatch of the registered letter of refusal to proceed with the investigation, to which reference is made in paragraph 5, or from the publication of the extract referred to in paragraph 9, as the case may be, the complainant or any interested party may request the Executive Board of the Central Bank of Chile to reconsider the resolution in question, pleading new particulars. In either case the Executive Board shall rule on the request or requests for reconsideration within fifteen calendar days following the expiry of the time-limit for requesting such reconsideration.

11. The Central Bank shall communicate through the Ministry of Foreign Affairs, to the country contracting party or countries contracting parties to the General Agreement on Tariffs and Trade whose measures in favour of exports are to be investigated, the fact that this is to happen. A list of the exporters involved shall be supplied to the said countries contracting parties so that they may notify the said exporters. In addition the Directorate of Operations shall notify by registered letter the exporters and importers known to it to have an interest.

12. For the investigation of an alleged export subsidy the "Commission" shall, if it sees fit, endeavour to obtain from self-administered, public or semi-public services, State enterprises or other agencies in which the State is represented or participates, and from private individuals who may have an interest of any kind in the outcome of the investigation, such information, reports and particulars as it deems necessary for the purpose.
13. While an investigation is in progress the "Commission" may as a provisional measure, on a report from the Directorate of Operations, make imports of the goods which are the subject of the investigation conditional upon the production of an import report issued by the Central Bank of Chile. Such reports shall stipulate that the imports in question may be rendered liable, even retroactively in cases where this is permitted by the "Agreement", to countervailing duties.
14. Without prejudice to the provisions of the preceding paragraph, if the "Commission" finds in the course of an investigation that the conditions prescribed in the "Agreement" for the adoption of measures not within the competence of the Central Bank of Chile are satisfied, it shall so inform the Minister of Finance.
15. Once the investigation of an alleged export subsidy has been completed, as it shall be within a time-limit of not more than 180 days counting from the publication referred to in paragraph 6, the President of the Central Bank of Chile shall submit to the Minister of Finance a report setting forth the particulars and findings of the investigation.
16. In the exercise of the functions referred to in these Regulations, the Central Bank of Chile shall comply, as need arises, with the procedures and rules laid down in the "Agreement".
17. In the event of the submission of forged or wilfully incomplete documents or the supply of false information in such documents or through any other channel, the Central Bank shall institute the appropriate proceedings or complaint.

BANCO CENTRAL DE CHILE
 SANTIAGO

USO EXCLUSIVO DEL BANCO CENTRAL		
FECHA PRESENTACION	DIA _____	MES _____ AÑO _____
NUMERO	_____	

FORMULARIO DE DENUNCIA DE SITUACION DE SUBVENCION

1 - ANTECEDENTES DEL DENUNCIANTE

Nombre o razón social _____	
RUT.: _____	
Dirección _____	
Teléfono: _____	

2.- VENTAS

AÑO	MERCADO INTERNO (S)	EXPORTACIONES (US\$)

3.- COMPRAS DE MATERIAS PRIMAS

AÑO	NACIONALES (S)	EXTRANJERAS (US\$)

4.- TAMAÑO DE LA EMPRESA (Indicar cifras a fines del mes anterior a la denuncia)

Mano de Obra directa al	NUMERO	Planilla Mensual de Remuneraciones al
Obreros -		
Empleados		
TOTAL		

5.- EXPORTACIONES

PAIS	CANTIDAD	PRECIO (US\$)	
		CIF	FOB

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HOJA 2

6.- ANTECEDENTES SOBRE OTROS EXPORTADORES NACIONALES

NOMBRE O RAZON SOCIAL	PRODUCCION TOTAL ULTIMOS 12 MESES		PRECIOS DE VENTA EN EL EXTERIOR (US\$)		
	VOLUMEN FISICO (UNID.)	VALOR (US\$)	FOB	CIF	PAIS

7.- ANTECEDENTES DEL PRODUCTO DENUNCIADO

Nombre o razón social del proveedor extranjero _____

Dirección _____ País _____

Telex _____

Nombre del Producto:

Código Arancel Aduanero:

Descripción técnica del producto:

8.- COTIZACIONES DEL PRODUCTO EFECTUADAS POR EL PROVEEDOR EXTRANJERO

PAIS	PRECIO DE IMPORTACION (US\$)	
	FOB	CIF
CHILE		

9.- COTIZACIONES DEL PRODUCTO EFECTUADAS POR OTROS PROVEEDORES EXTRANJEROS

PROVEEDOR	PAIS DE ORIGEN	PRECIO DE IMPORTACION (US\$)	
		FOB	CIF

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10. PRECIO DEL PRODUCTO DENUNCIADO

A distribuidor en país de origen sin impuesto (US\$) _____ al _____
A distribuidor en Chile FOB (US\$) _____ CIF (US\$) _____ al _____

11. PRECIO DE PRODUCTOS COMPARABLES COTIZADOS EN EL EXTERIOR

NOMBRE PRODUCTO	NOMBRE DEL PROVEEDOR	FECHA	PAIS	PRECIO (US\$)	
				FOB	CIF

MERCADO DEL PRODUCTO

12. PRODUCCION NACIONAL

AÑO	VOLUMEN FISICO (UNIDADES)	PARTICIP. DEL DENUNCIANTE EN VOLUMEN FISICO	VALOR S	PARTICIPACION EN VALOR

13. EXPORTACIONES

14. IMPORTACIONES

AÑO	VOLUMEN FISICO (UNIDADES)	VALOR FOB	VOLUMEN FISICO	VALOR US\$ CIF

15. CONSUMO INTERNO ESTIMADO

	CANTIDAD	UNIDAD
Producción interna		
Importaciones (más)		
Exportaciones (menos)		
Variación de stocks (más / menos)		
TOTAL CONSUMO INTERNO ESTIMADO		

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16. COSTO DE MATERIAS PRIMAS

NOMBRE MATERIA PRIMA	ORIGEN		PROPORCION		INCIDENCIA
	Nacional	Importada	NACIONAL	IMPORTADA	EN PREC. FINAL
	<input type="checkbox"/>	<input type="checkbox"/>	%	%	%
	<input type="checkbox"/>	<input type="checkbox"/>	%	%	%
	<input type="checkbox"/>	<input type="checkbox"/>	%	%	%
	<input type="checkbox"/>	<input type="checkbox"/>	%	%	%
	<input type="checkbox"/>	<input type="checkbox"/>	%	%	%
	<input type="checkbox"/>	<input type="checkbox"/>	%	%	%

NOMBRE MATERIA PRIMA	EXIST. PROD. NAC.		PRECIOS	
	SI	NO	INTERNOS (\$)	IMPORTADOS CIF (US\$)
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		

17. SUBVENCION DENUNCIADA

18. REPRESENTANTE LEGAL DEL DENUNCIANTE

Nombre: _____

RUT.: _____

FECHA: _____

_____ Firma

DECLARO BAJO JURAMENTO QUE TODOS LOS DATOS CONSIGNADOS EN ESTE FORMULARIO SON CIERTOS.

