QUESTIONS CONCERNING THE COUNTERVAILING DUTY LEGISLATION OF CHILE

Responses by Chile

Reproduced herewith are responses by Chile to questions on the Chilean countervailing duty legislation (SCM/1/Add.16/Rev.1) raised by the United States (SCM/W/108).

I refer to GATT document SCM/W/108 dated 11 June 1986 in which the Government of the United States presented a question concerning the definition of "industry" in the Chilean subsidies' legislation.

In that respect I would like to make two observations. The first one - of a formal nature - concerns the term "any productive activity" that would appear in the Chilean Regulation contained in document SCM/1/Add.16/Rev.1. I have to clarify, that the Spanish version of it refers to "a productive activity" and not to "any productive activity".

Secondly, referring to the substance of the question which as we understand it, expresses a worry on the concordance of the definition of productive activity in both texts, the Code and the National Regulation.

In this respect, I am in the position to indicate that the Subsidies Code has the character of a law of the Republic in my country and therefore it has greater value and hierarchy than the Regulation concerned. The Regulation does not and could not intend to modify a term that has been explicitly defined by law, which in this case is the Code itself.