

Comments by the Government of Chile to the International Trade Administration,
U.S. Department of Commerce

Antidumping Proceedings: Calculation of the Weighted Average Dumping Margin
During an Antidumping Duty Investigation

The Government of Chile welcomes the proposal by the Department of Commerce to discontinue the use of assigning zero value to those sub-groups which dumping margin is negative (“zeroing”) in the average-to-average comparisons in antidumping duty investigations.

The Government of Chile considers that in every determination of the dumping margin the use of “zeroing” criteria implies to increase artificially the value of the dumping margin, regardless the methodology established in Article 2.4.2 of the Antidumping Agreement to be used or if that is done in the initial investigation, during the administrative reviews, in the determination of *de minimis* margin or in the determination of the amount of antidumping duty.

The Government of Chile will be looking closely the report of the Appellate Body that will be distributed soon, which will contains some legal matters regarding the Panel that The United States quote (‘U.S. – Zeroing” WT/DS294/R) and that will have legal effect once the WTO Dispute Settlement Body adopt it after the pending results of the appellation.