

GENERAL AGREEMENT ON

RESTRICTED

ADP/40

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TARIFFS AND TRADE

Special Distribution

Committee on Anti-Dumping Practices

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COMMUNICATION FROM SWEDEN

The following communication has been received from the delegation of Sweden.

USA - Anti-dumping duty in the United States on stainless seamless pipes and tubes from Sweden.

At the request of Sweden (ADP/38) the Committee on Anti-Dumping Practices held a special meeting on 5 October 1988 (ADP/M/23) for the purpose of conciliation under Article 15:3 of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade (the Agreement) regarding the determination of injury in the above mentioned case. Since no mutually satisfactory solution could be reached after the detailed examination by the Committee, Sweden requested the Committee at its regular meeting 25 October 1988 (forthcoming (ADP/M/24) to establish a panel. The United States objected to the request referring to the fact that the three month period in Article 15:5 has not elapsed.

Sweden concludes that the conciliation process has failed to resolve the matter in the dispute since the optional three month period in Article 15:5 will have passed without any initiative from the United States as suggested by Sweden at the regular meeting.

Sweden thus requests, pursuant to Article 15:5 of the Agreement, that a special meeting of the Committee be convened as soon as possible for the establishment of a panel.

The benefits accruing to Sweden under the Agreement have been impaired.

Sweden considers that the United States authorities (Department of Commerce - DOC and International Trade Commission - ITC) have failed to establish the causal link between the allegedly dumped imports and injury necessary for a positive finding according to Article 3 of the Agreement. Furthermore, both the finding of dumping and the finding of injury raise questions as to their compatibility with the provisions of the Agreement. More specifically, Sweden's objections in these respects are:

- ITC has failed to show that there has been a significant increase in dumped imports (Article 3:2).
- ITC has failed to show any significant price undercutting by the allegedly dumped imports (Article 3:2).

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- The practice of DOC not to inquire about petitioner's standing is contrary to Article 5 of the Agreement.

- Due allowance has not been made for certain differences affecting price comparability (Article 2:6).

In view of what has been stated above, Sweden requests that the Committee on Anti-Dumping Practices establish a panel pursuant to Article 15:5 of the Agreement on Implementation of Article VI of the GATT to determine whether the decisions made by the United States authorities are in accordance with the provisions of Agreement and to make appropriate recommendations.