

# GENERAL AGREEMENT ON

# TARIFFS AND TRADE

RESTRICTED

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Committee on Anti-Dumping Practices

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UNITED STATES - IMPOSITION OF PROVISIONAL ANTI-DUMPING  
MEASURES ON IMPORTS OF CUT-TO-LENGTH STEEL PLATE FROM SWEDEN

Request for Consultations with the United States  
under Article 15:2 of the Agreement

Communication from Sweden

The following communication, dated 2 April 1993, has been received from the Permanent Mission of Sweden, with the request that it be circulated to the members of the Committee.

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In accordance with Article 15:2 of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade, the Government of Sweden requests consultations with the United States concerning provisional anti-dumping measures against imports of cut-to-length steel plate from Sweden.

The Government of Sweden requests that the consultations be held in Geneva in connection with the upcoming meeting of the Anti-Dumping Committee in late April.

Through the consultations, the Government of Sweden is seeking clarification regarding the compatibility of the United States measure with respect to relevant provisions of the Anti-Dumping Code. In particular, the Government of Sweden would, at this stage, wish to take up the following issues:

1. The use of "Best Information Available".

According to Article 6:8 of the Anti-Dumping Code, a signatory may base its preliminary finding on "the facts available" if an interested party refuses access to, or otherwise does not provide the necessary information within a reasonable period, or significantly impedes the investigation.

It is our understanding that the affected Swedish company, SSAB, has co-operated fully with the U.S. Department of Commerce (DoC) and submitted all information requested within the narrow time-limits set.

2. The use of "Constructed Value".

According to Article 2:4 of the Anti-Dumping Code, the normal value may be based on a constructed value if there are no sales in the domestic market or because of a particular market situation.

It is our understanding that the DoC constructed the normal value for a certain set of products although representative sales in the ordinary course of trade existed in the Swedish market.

3. The use of "Averaging".

As stated in Article 2:6 of the Anti-Dumping Code, the comparison between the two prices must be fair.

From the information available to the Government of Sweden, it also seems that the United States has compared an average normal value with single export transactions.

4. Injury.

In order to impose provisional measures, there must be sufficient evidence of injury as provided for in Article VI and Article 3 of the Anti-Dumping Code.

In this case, the volume of imports from Sweden has not increased, either in absolute or in relative terms during the period of investigation. The price-level of Swedish imports has also been at, or above, the price-level of the United States market. In addition, the market share of Swedish imports is minimal and thus, any injurious effect is negligible within the meaning of Article 5:3 of the Code.

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The Government of Sweden reserves its rights to raise any other aspects of this case at a later stage.