

**GENERAL AGREEMENT
ON TARIFFS AND TRADE**

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Committee on Anti-Dumping Practices

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**UNITED STATES - ANTI-DUMPING MEASURES AGAINST
IMPORTS OF CUT-TO-LENGTH CARBON STEEL PLATE FROM FINLAND**

**Request for Consultations under Article 15:2
of the Agreement**

Communication from Finland

The following communication, dated 18 October 1993, has been received from the Permanent Mission of Finland.

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 Finland requests consultations with the United States concerning anti-dumping measures against imports of cut-to-length carbon steel plate from Finland.

The Government of Finland requests that the consultations initiated on 29 April 1993 be continued in Geneva in connection with the upcoming meeting of the Multilateral Steel Agreement negotiations the week starting 4 October 1993.

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

1. Injury

In order to impose 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 Finland during the period under investigation showed a clearly declining trend. The price-level of Finnish imports has been among the highest in the US market. The market share of Finnish imports is marginal. Against this background it is quite obvious that any injurious effect within the meaning of Article 5:3 of the Code could not have been caused by imports from Finland. The cumulation of these imports with other sources showing an entirely different price and volume pattern is in our view not justified.

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2. The use of "Best Information Available"

According to Article 6:8 of the Anti-Dumping Code, a signatory may base its 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 Finnish company, Rautaruukki Oy, has co-operated fully with the US Department of Commerce and submitted all information requested. However, some of the provided information has been omitted from calculations on dumping margins.

3. 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 a value for certain deliveries although representative sales in the ordinary course of trade existed in the Finnish market.

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