

**GENERAL AGREEMENT
ON TARIFFS AND TRADE**

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ARGENTINA - PROVISIONAL ANTI-DUMPING DUTIES ON IMPORTS
OF THREE-PHASE ELECTRIC MOTORS

Request for Consultations under Article XXII:1 by the Czech Republic

The following communication, dated 5 April 1994, has been received from the Permanent Mission of the Czech Republic with the request that it be circulated in accordance with paragraph C.3 of the CONTRACTING PARTIES' 1989 Decision on Improvements to the GATT Dispute Settlement Rules and Procedures (BISD 36S/62).

I have been instructed by my authorities to request Argentina to hold consultations under Article XXII:1 of the General Agreement on Tariffs and Trade regarding the imposition of provisional anti-dumping duties on imports of three phase electric motors originating in the Czech Republic.

The Resolution No 167/93 on the imposition of anti-dumping duties, published in the Official Bulletin of 25 November 1993, contains no factual information demonstrating the existence and degree of alleged dumping.

Furthermore, the Resolution gives no substantive evidence that the allegedly dumped imports of products in question have caused or threatened to cause material injury to the domestic industry, as required by Article VI:6(a) of the General Agreement, nor any evidence demonstrating a causal link between the imports involved and any injury caused thereby.

As set forth in paragraphs 1 and 6 of this Article, the effect of the allegedly dumped imports should be assessed in relation to an established domestic industry or to retarding the establishment of a domestic industry. However, a brief section of the Resolution 167/93 on threat of injury contains no reference to the domestic industry and the term "national economic activity" was used, thus giving rise to serious doubts on the existence of appropriate domestic production for the purpose of Article VI of the General Agreement.

It is the view of my authorities that as a result of the action taken by Argentina, benefits accruing to the Czech Republic under the General Agreement on Tariffs and Trade have been nullified or impaired. The adverse effect can be demonstrated by total disruption of the Czech exports of products in question to Argentina.

In order to safeguard the benefits accruing to it, the Czech Republic hereby requests consultations with Argentina under Article XXII:1 with a view to finding a mutually satisfactory solution. Accordingly, the Czech Republic proposes that consultations be held as soon as possible.