

**EUROPEAN COMMUNITIES – ANTI-DUMPING DUTIES ON  
MALLEABLE CAST IRON TUBE OR PIPE FITTINGS FROM BRAZIL**

Request for Consultations by Brazil

The following communication, dated 21 December 2000, from the Permanent Mission of Brazil to the Permanent Delegation of the European Commission and to the Chairman of the Dispute Settlement Body, is circulated in accordance with Article 4.4 of the DSU.

---

Upon instruction from my authorities, I hereby wish to convey the request of the Government of Brazil for consultations with the European Communities pursuant to Article 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU), Article XXIII of the General Agreement on Tariffs and Trade 1994 (GATT 1994) and Article 17 of the Agreement on Implementation of Article VI of GATT 1994 (Anti-Dumping Agreement), including Article 17.4 thereof.

- (1) The measure at issue is the definitive anti-dumping duty which resulted from the investigation, findings and determinations adopted by the European Union in Council Regulation (EC) No. 1784/2000 of 11 August 2000, published in the Official Journal of the European Communities on 18 August 2000 (the definitive Regulation), concerning imports of malleable cast iron tube or pipe fittings originating, *inter alia*, in Brazil.
- (2) In view of the definitive Regulation and the other information available to them, my authorities consider that the European Union has infringed WTO obligations as also elaborated more specifically in (3) and (4) below.
- (3) My authorities consider that the European Union's establishment of the facts was not proper and that its evaluation of these facts was not unbiased and objective, both at the provisional and definitive stages, particularly in relation to:
  - (i) the initiation of the investigation into this case (the investigation);
  - (ii) the conduct of the investigation, including the evaluation, findings and determinations of dumping and injury;
  - (iii) the evaluation, findings and determinations of the causal link between dumping and injury; and
  - (iv) the evaluation and findings in relation to the "Community interest".

- (4) More specifically, my authorities consider that infringements of the following provisions of the Anti-Dumping Agreement, in addition to Article VI of GATT 1994, have been committed by the EU:
- (i) Article 1 (Principles);
  - (ii) Article 2 (Determination of Dumping), including paragraphs 2.1, 2.2, 2.4 and 2.6 thereof;
  - (iii) Article 3 (Determination of Injury), including paragraphs 3.1, 3.2, 3.3, 3.4 and 3.5 thereof;
  - (iv) Article 4 (Definition of the Domestic Industry), including paragraph 4.1 thereof;
  - (v) Article 5 (Initiation and Subsequent Investigation), including paragraphs 5.2, 5.3, 5.4, 5.5 (in the alternative), 5.7 and 5.8 thereof;
  - (vi) Article 6 (Evidence), including paragraphs 6.1, 6.2 and 6.12 thereof;
  - (vii) Article 7 (Provisional Measures);
  - (viii) Article 9 (Imposition and Collection of Anti-Dumping Duties), including paragraph 9.1 thereof;
  - (ix) Article 11 (Duration and Review of Anti-Dumping Duties and Price Undertakings), including paragraph 11.1 thereof;
  - (x) Article 12 (Public Notice and Explanation of Determinations), including paragraph 12.2 thereof;
  - (xi) Article 15 (Developing Country Members).

In light of the DSU provisions governing this matter, including Article 4.3 thereof, as well as Article 17 of the Anti-Dumping Agreement, my authorities look forward to receiving in due course the reply of the European Union to this request. Brazil is ready to consider with the European Communities mutually convenient dates to hold consultations in Geneva.

The Government of Brazil reserves the right to raise additional factual or legal points related to the aforementioned measure during the course of consultations.

---