

**UNITED STATES – FINAL ANTI-DUMPING MEASURES
ON STAINLESS STEEL FROM MEXICO**

Request for Consultations by Mexico

The following communication, dated 26 May 2006, from the delegation of Mexico to the delegation of the United States and to the Chairman of the Dispute Settlement Body, is circulated in accordance with Article 4.4 of the DSU.

Acting on instructions from the relevant Mexican Government authorities, I hereby request consultations with the Government of the United States pursuant to Article 4 of the WTO Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU), Article XXII of the General Agreement on Tariffs and Trade of 1994 (GATT 1994), and Article 17 of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 (Anti-Dumping Agreement), in respect of the matters listed hereunder:

1. The following determinations of the United States Department of Commerce (USDOC) concerning the imports of stainless steel sheet and strip in coils from Mexico, Case No. A-201-822:

- Final results of the anti-dumping investigation and anti-dumping order, entitled "*Final Determination Of Sales At Less Than Fair Value: Stainless Steel Sheet and Strip in Coils from Mexico*," published in 64 Federal Register (FR) 30790 of 8 June 1999 (investigation) and its amendments, 64 FR 40560 of 27 July 1999;
- Final results of the determination of anti-dumping duties for the period from January 1999 to June 2000, entitled "*Final Results of Antidumping Duty Administrative Review: Stainless Steel Sheet and Strip in Coils from Mexico*," published in 67 FR 6490 of 12 February 2002 (final results of the determination of duties 1999-2000) and its amendments, published in 67 FR 15542 of 2 April 2002;
- Final results of the determination of anti-dumping duties for the period from July 2000 to June 2001, entitled "*Final Results of Antidumping Duty Administrative Review: Stainless Steel Sheet and Strip in Coils from Mexico*," published in 68 FR 6889 of 11 February 2003 (final results of the determination of duties 2000-2001) and its amendments, published in 68 FR 13,68 of 20 March 2003.
- Final results of the determination of anti-dumping duties for the period from July 2001 to June 2002, entitled "*Final Results of Antidumping Duty Administrative*

Review: Stainless Steel Sheet and Strip in Coils from Mexico", published in 69 FR 6259 of 10 February 2004 (final results of the determination of duties 2001-2002);

- Final results of the determination of anti-dumping duties for the period from July 2002 to June 2003, entitled "*Final Results Of Antidumping Duty Administrative Review: Stainless Steel Sheet and Strip in Coils from Mexico*," published in 69 FR 3677 of 26 January 2005 (final results of the determination of duties 2002-2003);
- Final results of the determination of anti-dumping duties for the period from July 2003 to June 2004, entitled "*Final Results Of Antidumping Duty Administrative Review: Stainless Steel Sheet and Strip in Coils from Mexico*," published in 70 FR 73444 of 12 December 2005 (final results of the determination of duties 2003-2004).

2. The following US laws, regulations, administrative practices and methodologies:

- Sections 736, 751, 771(35)(A) and (B), and section 777A(c) and (d) of the Tariff Act of 1930, as amended;
- The US Statement of Administrative Action that accompanied the Uruguay Round Agreements Act, H.R. Doc. No. 103-316, vol. I;
- USDOC regulations codified at Title 19 of the United States Code of Federal Regulations, sections 351.212(b), 351.414(c), (d) and (e);
- The Import Administration Antidumping Manual (1997 edition), including the computer program(s) to which it refers;
- The methodology employed by the Department to determine the overall margin of dumping for the product under investigation in the original investigation, whereby the Department disregarded (treated as zero or "zeroed") negative dumping margins (i.e., dumping margins where the weighted-average export price for the model exceeded the weighted-average normal value); and
- The methodology employed by the Department to determine the overall margin of dumping for the product subject to review in the listed administrative reviews whereby the Department disregarded (treated as zero or "zeroed") negative dumping margins (i.e. dumping margins where the individual export price for the model exceeded the weighted-average normal value).

3. Mexico considers that the laws, regulations, measures, administrative practices and methodologies described above are as such, and as applied in the listed determinations, inconsistent with the obligations of the United States under the Marrakesh Agreement Establishing the World Trade Organization (WTO Agreement) and the Agreements annexed thereto, and that they have resulted in the nullification or impairment of benefits directly or indirectly accruing to Mexico under this Agreement. In particular, Mexico considers that the US laws, regulations, measures, administrative practices and methodologies listed above are inconsistent at least with the following provisions:

- Articles VI:1 and VI:2 of GATT 1994;

- Articles 1, 2.1, 2.4, 2.4.2, 5, 6.10, 9 (including but not limited to 9.3), 11 and 18 of the Anti-Dumping Agreement;
- Article XVI: 4 of the Agreement Establishing the WTO (the WTO Agreement).

Mexico reserves the right to raise further factual and legal claims during the course of the consultations. It looks forward to receiving the US Government's response in order to set a mutually convenient date for consultations.
