

# WORLD TRADE ORGANIZATION

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## **INDIA – ANTI-DUMPING MEASURES ON IMPORTS OF CERTAIN PRODUCTS FROM THE EUROPEAN COMMUNITIES AND/OR MEMBER STATES**

### Request for Consultations by the European Communities

The following communication, dated 8 December 2003, from the Delegation of the European Commission to the Delegation of India and to the Chairman of the Dispute Settlement Body, is circulated in accordance with Article 4.4 of the DSU.

On behalf of the European Communities (the "EC"), I hereby request consultations with India pursuant to Article 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes, Article XXII:1 of the General Agreement on Tariffs and Trade 1994 (the "GATT 1994") and Article 17.3 of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 (the "Anti-Dumping Agreement") regarding the definitive anti-dumping measures mentioned in the annex.

The EC consider that, in all of these cases, the investigations were conducted and the determinations were made in violation of India's obligations under GATT 1994 and the Anti-Dumping Agreement. The matters which the EC would like to raise in the course of the consultations include, but are not limited to, the following:

- the determination of the effect of the dumped imports on prices does not seem to be based on positive evidence and on an objective examination;
- the Indian investigating authority did not demonstrate that dumped imports were causing the alleged injury, and failed to examine other known factors and ensure that injury caused by those other factors was not attributed to dumping;
- the Indian investigating authority did not properly inform interested parties of the relevant essential facts under consideration which formed the basis for the decision to apply the anti-dumping measures and in sufficient time for those parties to defend their interests;
- the Indian investigating authority did not properly inform interested parties of the reasons why it did not accept evidence or information they had submitted within the investigation procedure;
- the Indian investigating authority did not satisfy itself during the course of the investigation as to the accuracy of the information supplied by interested parties in particular by their domestic industry;

- the public notice of information concluding the investigation did not contain all relevant information on the matters of fact and law and reasons which led to the imposition of the anti-dumping measures.

The EC consider that, for the above reasons, the anti-dumping measures at issue appear to be inconsistent with India's obligations under the GATT and the Anti-Dumping Agreement, in particular under:

- Article VI:1 of GATT 1994;
- Articles 1, 3.1, 3.2, 3.5, 6.6, 6.8 (including Annex II), 6.9 and 12.2 of the Anti-Dumping Agreement.

The EC reserve the right to raise additional claims and legal matters regarding the above measures and determinations during the course of the consultations.

The EC look forward to receiving the reaction of India to the present request and to setting a mutually convenient date and place to begin consultations.

# ANNEX

## Definitive Anti-Dumping Duties imposed by India on Imports Originating in the EC or EC member States

	Product	Case Nr	Country	Date of Imposition
1	Methylene Chloride	N°17/1/2001-DGAD	i.a. EC	14/08/2003
2	Phenol	N°14/4/2002-DGAD	i.a. EC	13/02/2003
3	Vitamin A Palmitate	N°65/1/2001-DGAD	i.a. EC	23/01/2003
4	D(-) Para Hydroxy Phenyl Glycirine Base (PHPG) - I	N°14/6/2002-DGAD	EC	07/03/2003
5	Vitamin AB2D3K	N°19/1/2001-DGAD	i.a. EC	09/09/2002
6	Acrylic Fibre	N°42/1/2001-DGAD	i.a. Germany & UK	09/10/2002
7	Sodium Nitrite	N°54/1/2001-DGAD	i.a. EC	12/10/2002
8	Cold Rolled Flat Products Stainless Steel	N°24/1/2001-DGAD	i.a. Spain, Belgium & EC	05/12/2002
9	Flexible Slabstock Polyol	N°41/1/2001-DGAD	i.a. EC	19/09/2002
10	High Styrene Rubber (HSR)	N°22/1/2000-DGAD	i.a. EC	15/01/2002
11	Vitamin AD3	N°16/1/2001-DGAD	i.a. EC	21/05/2002
12	Acrylic Fibre (below 1.5 denier)	N°43/1/2001-DGAD	Italy	12/09/2002
13	Purified Terephthalic Acid (PTA)	N°27/1/1998-DGAD	Spain	30/05/2000
14	Sodium Cyanide	N°8/1/1999-DGAD	i.a. EC	06/06/2000
15	Seamless Tubes	N°7/1/1999-DGAD	i.a. Austria	21/06/2000
16	Oxo Alcohols	N°15/1/1999-DGAD	i.a. EC	18/08/2000
17	Hydroxyl Amine Sulphate (HAS)	N°53/1/1999-DGAD	i.a. EC	28/03/2001
18	Sodium Ferrocyanide	N°23/1/2000-DGAD	EC	10/05/2001
19	Caustic Soda	N°56/1/1999-DGAD	i.a. France	26/06/2001
20	Aniline	N°21/1/2000-DGAD	EC	26/06/2001
21	Theophiline & Caffeine	N°26/1/2000-DGAD	EC	30/07/2001
22	Choline Chloride	N°59/1/2000-DGAD	i.a. EC	14/01/2002
23	Vitamin C	N°26/1/1999-DGAD	i.a. EC	15/09/2000
24	B & W photographic paper	N°19/1/1999-DGAD	i.a. UK & France	21/12/2000
25	Thermal Sensitive Paper	N°25/1/1998-ADD	i.a. EC	06/04/2000
26	Acrylonitrile Butadiene Rubber (NBR)	N°9/1/95-ADD	i.a. Germany	30/07/1997
27	Acrylic Fibres	N°32/1/97-ADD	i.a. Italy, Spain & Portugal	22/01/1999