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**UNITED STATES – ANTI-DUMPING AND COUNTERVAILING DUTIES ON CERTAIN
PRODUCTS AND THE USE OF FACTS AVAILABLE**

REQUEST TO JOIN CONSULTATIONS

Communication from the Russian Federation

The following communication, dated 2 March 2018, from the delegation of the Russian Federation to the delegation of the United States, the delegation of the Republic of Korea and to the Chairperson of the Dispute Settlement Body, is circulated in accordance with Article 4.11 of the DSU.

I wish to refer to the consultations requested by the Republic of Korea pursuant to Articles 1 and 4 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* ("DSU"), Article XXII:1 of the *General Agreement on Tariffs and Trade 1994* ("GATT 1994"), Articles 17.2 and 17.3 of the *Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994* ("Anti-Dumping Agreement"), and Article 30 of the *Agreement on Subsidies and Countervailing Measures* concerning, *inter alia*, certain provisions of the United States' legislation regarding the use of facts available and the United States' ongoing conduct as well as its practice of using adverse facts available as a rule or norm of general and prospective application in anti-dumping and countervailing duty investigations and reviews, as stated in Korea's communication circulated to WTO Members on 20 February 2018 (WT/DS539/1, G/L/1211, G/ADP/D124/1, G/SCM/D118/1) titled "*United States – Anti-Dumping and Countervailing Duties on Certain Products and the Use of Facts Available*" (DS539). My authorities instructed me to notify the consulting Members and the Dispute Settlement Body of the desire of the Russian Federation to be joined in these consultations, pursuant to Article 4.11 of the DSU.

The US followed the same approach in the course of investigation with respect to certain carbon and alloy steel wire rod originating in Russia¹, in terms of application of legislation and practice of using adverse facts available for determination of dumping margins. As a result of this approach, the anti-dumping duties were imposed at the rate of almost 757% for two Russian producers and 437% for all other Russian companies. Taking into account the prohibiting rate of the anti-dumping duties, their application has significant detrimental effect on Russia's trade interests as the access of certain carbon and alloy steel wire rod of Russian origin to the US's market is effectively denied.

In addition, certain methodological issues raised in this dispute (in particular, concerning the United States' legislation, practice and ongoing conduct consistency with Articles 6.2, 9.2, 9.3, 11.1 of the Anti-Dumping Agreement; Article VI:2 of the GATT 1994) are of systemic importance for the Russian Federation.

Therefore, the Russian Federation has substantial trade interest in these consultations.

¹ G/ADP/N/300/USA as of 6 September 2017.