

**THAILAND – ANTI-DUMPING DUTIES ON ANGLES, SHAPES AND
SECTIONS OF IRON OR NON-ALLOY STEEL AND H-BEAMS
FROM POLAND**

Request for the Establishment of a Panel by Poland

The following communication, dated 13 October 1999, from the Permanent Mission of Poland to the Chairman of the Dispute Settlement Body, is circulated pursuant to Article 6.2 of the DSU.

I have the honour to request the establishment of a panel pursuant to Articles 4 and 6 of the Understanding on Rules and Procedures Governing the Settlement of Disputes and Article 17 of the Agreement on the Implementation of Article VI of the General Agreement on Tariffs and Trade (the Antidumping Agreement) at the next meeting of the Dispute Settlement Body to be held on 27 October 1999.

On 6 April 1998, Republic of Poland (Poland) requested formal consultations with the Kingdom of Thailand (Thailand) as regards the imposition of definitive antidumping duties by Thailand on the above-referenced H-beam steel products of Polish origin. This request was circulated in WTO document WT/DS122/1 – G/ADP/D9/1 of 15 April 1998.

These consultations, which were held on 29 May 1998, have allowed for a better understanding of the positions of the respective parties, but have not lead to a mutually satisfactory resolution to this matter. Poland therefore now requests that a panel be established with the standard terms of reference.

The factual background of the complaint is set forth in the request for consultations referred to above. More specifically, Thailand has imposed definitive antidumping duties on imports of H-beam steel products originating in Poland in contravention of the basic procedural and substantive requirements of Article VI of the General Agreement on Tariffs and Trade 1994 (GATT 1994) and of the Antidumping Agreement. The principal measures to which Poland objects are:

- Thai authorities have made a determination that Polish imports caused injury to the Thai domestic industry, in the absence of, *inter alia*, “positive evidence” to support such a finding and without the required “objective examination” of enumerated factors such as import volume, price effects, and the consequent impact of such imports on the domestic industry, in contravention of Article VI of GATT 1994 and Article 3 of the Antidumping Agreement;

- Thai authorities have made a determination of dumping and calculated an alleged dumping margin in violation of Article VI of GATT 1994 and Article 2 of the Antidumping Agreement;
- Thai authorities initiated and conducted this investigation in violation of the procedural and evidentiary requirements of Article VI of GATT 1994 and Articles 5 and 6 of the Antidumping Agreement.

The above summary is designed to describe briefly the legal basis of the complaint in a manner sufficient to present the problem clearly, but is not to be taken as restricting the arguments which Poland may develop before the panel.
