

**ARGENTINA – DEFINITIVE ANTI-DUMPING MEASURES ON CARTON-BOARD
IMPORTS FROM GERMANY AND DEFINITIVE ANTI-DUMPING MEASURES
ON IMPORTS OF CERAMIC FLOOR TILES FROM ITALY**

Request for Consultations by the European Communities

The following communication, dated 26 January 2000, from the Permanent Delegation of the European Commission to the Permanent Mission of Argentina 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 request hereby consultations with the Republic of Argentina pursuant to Article 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes 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 following measures:

- the definitive anti-dumping measures on imports of carton-board from Germany imposed on 26 February 1999; and
- the definitive anti-dumping measures on imports of ceramic floor tiles from Italy imposed on 12 November 1999.

In both cases, the Argentinean investigating authority appears to have rejected without any valid justification the requests for confidential treatment submitted by the EC exporters with respect to highly sensitive business information, including information on prices and production costs.

Furthermore, it appears that the Argentinean investigating authority has disregarded most of the information presented by the EC exporters both for the provisional and for the final determinations of dumping. This information was timely and appropriately submitted. Moreover, the Argentinean investigating authority does not appear to have given any explanation neither before the final determinations nor in the final reports on why the information submitted by the EC exporters was disregarded.

Finally, it seems that the Argentinean investigating authority failed to disclose the essential facts under consideration, which formed the basis of the decision to impose the anti-dumping measures.

The EC consider that, for the above reasons, the anti-dumping measures in issue appear to be inconsistent with Argentina's obligations under the Anti-Dumping Agreement, thereby nullifying or impairing the benefits accrued to the EC under that Agreement.

In particular, the measures would appear to be in breach of the following provisions of the Anti-Dumping Agreement:

- Article 2;
- Articles 6.5, 6.9 and 6.10; and
- Article 6.8 in conjunction with paragraphs 3, 5, 6 and 7 of Annex II.

I look forward to receiving your reply to this request from the European Communities and to setting a mutually convenient date for these consultations.
