

**EUROPEAN COMMUNITIES – ANTI-DUMPING DUTIES ON  
CERTAIN FLAT ROLLED IRON OR NON-ALLOY STEEL PRODUCTS  
FROM INDIA**

Request for Consultations by India

The following communication, dated 5 July 2004, from the delegation of India to the delegation of the European Communities and to the Chairperson of the Dispute Settlement Body, is circulated in accordance with Article 4.4 of the DSU.

My authorities have instructed me to request consultations with the European Communities (EC) pursuant to Article 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes, Article XXIII of the General Agreement on Tariffs and Trade 1994 (GATT 1994) and Article 17 of the Agreement on Implementation of Article VI of GATT 1994 ("Anti-Dumping Agreement" or "ADA") regarding the European Commission Decision No. 283/2000/ECSC of 4 February 2000 imposing definitive anti-dumping measures on imports of certain flat rolled products of iron or non-alloy steel, of a width of 600 mm or more, not clad, plated or coated, in coils, not further worked than hot-rolled ("HR Coils") from India.

2. The EC initiated anti-dumping proceedings against the imports of HR Coils from India by publishing a notice of initiation in January 1999. Definitive anti-dumping duties were imposed by EC vide Commission Decision No. 283/2000/ECSC of 4<sup>th</sup> February 2000.

3. The Government of India considers that the ongoing measures being maintained against HR Coils from India are in violation of the EC's obligations under GATT 1994 and Article 9.2 of the Anti-Dumping Agreement. The undisputed facts are as follows:

- On 4 February 2000 and by Decision No. 283/2000/ECSC the Commission imposed definitive anti-dumping duties on imports into the Community of HR Coils originating in India, Bulgaria, South Africa, Taiwan and Yugoslavia.
- On 20 December 2001 the Commission initiated a new anti-dumping proceeding in respect of HR Coils originating in Iran, Libya, Hungary, Egypt, Slovakia and Turkey.
- On 21 February 2003 the Commission issued a proposal for a Council Regulation (COM 2003 84 final) imposing definitive anti-dumping duties on imports of HR Coils originating in Egypt, Slovakia and Turkey.
- On 20 March 2003, the original anti-dumping investigation initiated on 20 December 2001 in respect of HR Coils originating in Egypt, Slovakia, Turkey, Libya, Iran and

Hungary, lapsed without imposition of measures due to a failure by the Council to adopt the Commission's proposal within the necessary time limits.

4. The resulting situation is that anti-dumping measures are in force against imports into the Community of HR Coils from India, yet no measures are in force against imports of HR Coils (the same product concerned) from Egypt, Slovakia and Turkey, notwithstanding that the products imported from the latter three countries were found by the Commission to be dumped and causing injury to the Community industry and that the Commission also considered it to be in the Community interest to impose measures against them.

5. This causes discrimination contrary to Article 9.2 of the ADA which requires that an anti-dumping duty shall be collected on a non-discriminatory basis on imports of the product from all sources found to be dumped and causing injury.

6. The Government of India considers that anti-dumping measures on imports of HR Coils from India also violate certain other provisions of the ADA, including, but not limited to, the following:

- (a) Article 3, especially Articles 3.4 and 3.5;
- (b) Article 4.1

7. The Government of India reserves its right to raise further factual claims and legal issues during the course of the consultations.

8. We look forward to receiving your reply to the present request and to fixing a mutually convenient date for consultations.

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