

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

Status Report by Argentina

The following communication, dated 2 May 2002, from the Permanent Mission of Argentina to the Chairman of the Dispute Settlement Body, is circulated pursuant to Article 21.6 of the DSU.

Pursuant to Article 21.6 of the DSU, I have the honour to submit the following Status Report of the Argentine Republic on the implementation of the recommendations and rulings of the DSB in the dispute regarding Argentina – Definitive Anti-Dumping Measures on Imports of Ceramic Floor Tiles from Italy (WT/DS189) and to request that the following be placed on the agenda of the regular meeting of the DSB, to be held on 22 May next, under the item "surveillance of recommendations and rulings of the DSB":

"Pursuant to Article 21.6 of the DSU, the Argentine Republic informs the DSB that, on 24 April 2002, the Ministry of Production enacted Resolution 76/02 (attached), revoking the anti-dumping measures at issue in *Argentina – Definitive Anti-Dumping Measures on Imports of Ceramic Floor Tiles from Italy* (WT/DS 189).

With the publication of this Resolution, Argentina considers that it has now fully implemented the recommendations and rulings of the DSB in the aforementioned dispute."

Ministry of Production

FOREIGN TRADE

Resolution 76/2002

Revoking the measure established by Resolution No. 1385/99-MEYOSP, relating to the application of definitive anti-dumping duties for transactions involving ceramic flags and paving from the Italian Republic.

Buenos Aires, 24 April 2002

HAVING REGARD to File No. 061-000794/98 of the Registry of the then MINISTRY OF THE ECONOMY AND PUBLIC WORKS AND SERVICES, and

WHEREAS:

In the aforementioned file, the national manufacturing company CERAMICA ZANON SOCIEDAD ANONIMA, COMERCIAL, INDUSTRIAL Y MINERA requested the initiation of an investigation of alleged dumping in export transactions to the ARGENTINE REPUBLIC involving unglazed ceramic flags and paving, hearth or wall tiles, of fine earthenware *porcellanato*, in all sizes, from the ITALIAN REPUBLIC, cleared through customs under MERCOSUR Common Nomenclature tariff heading 6907.90.00;

On 22 September 1998, by Resolution No. 630 of the SECRETARIAT FOR INDUSTRY, TRADE AND MINING, the initiation of the corresponding investigation was announced;

By Resolution No. 1385 of 12 November 1999 of the then MINISTRY OF THE ECONOMY AND PUBLIC WORKS AND SERVICES, the ongoing investigation was closed with the establishment of definitive anti-dumping duties of SEVEN POINT EIGHT ZERO US DOLLARS (US\$7.80) per SQUARE METRE (m²) for size TWENTY CENTIMETRES BY TWENTY CENTIMETRES (20 cm. x 20 cm.), a minimum f.o.b. export value of NINE US DOLLARS (US\$9) per SQUARE METRE (m²) for size THIRTY CENTIMETRES BY THIRTY CENTIMETRES (30 cm. x 30 cm.) and a minimum f.o.b. export value of TEN POINT NINE ZERO US DOLLARS (US\$10.90) per SQUARE METRE (m²) for size FORTY CENTIMETRES BY FORTY CENTIMETRES (40 cm. x 40 cm.).

On 26 January 2000, the European Communities requested consultations 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 GATT 1994;

The aforementioned consultations were held on 1 March 2000 without reaching a satisfactory solution;

The European Communities accordingly requested the establishment of a Panel, pursuant to Article 6 of the Understanding on Rules and Procedures Governing the Settlement of Disputes and Article 17 of the Agreement on Implementation of Article VI of the GATT 1994;

The Dispute Settlement Body established a Panel, in accordance with the above request, agreeing that the terms of reference were to make such findings as would assist the Dispute Settlement Body in making recommendations;

The Panel finally presented its final report on 14 September 2001, concluding that "[w]e recommend that the Dispute Settlement Body request Argentina to bring its measure into conformity with its obligations under the Anti-Dumping Agreement";

Pursuant to that recommendation, on 20 March 2002 the Directorate of Unfair Competition attached to the UNDERSECRETARIAT FOR TRADE POLICY AND MANAGEMENT issued a report stating that the measure had been brought into conformity in accordance with the Panel's recommendations;

The DELEGATION OF THE EUROPEAN COMMUNITY in the ARGENTINE REPUBLIC was duly informed of the aforementioned report;

The implementing authority invited the DELEGATION OF THE EUROPEAN COMMUNITY in the ARGENTINE REPUBLIC to take cognizance of the above report and, where it so deemed necessary, to make comments;

Under File No. S01:0159462 of 10 April 2002, the Delegation of the European Commission in the ARGENTINE REPUBLIC submitted notes on the report that the measure had been brought into conformity in accordance with the Panel's recommendations;

On 18 April 2002, the Directorate of Unfair Competition attached to the UNDERSECRETARIAT FOR TRADE POLICY AND MANAGEMENT issued a report taking into account the comments made by the DELEGATION OF THE EUROPEAN COMMUNITY in the ARGENTINE REPUBLIC and by ASSOPIASTRELLE;

With the bringing into conformity of the measure, no margins of dumping have been detected;

The UNDERSECRETARIAT FOR TRADE POLICY AND MANAGEMENT, on the basis of the aforementioned report, made its recommendation to the SECRETARIAT FOR INDUSTRY, TRADE AND MINING that the measure established by Resolution No. 1385 of 12 November 1999 of the then MINISTRY OF THE ECONOMY AND PUBLIC WORKS AND SERVICES be revoked;

The DIRECTORATE-GENERAL OF LEGAL AFFAIRS of the MINISTRY OF THE ECONOMY has taken due action within its sphere of competence, pursuant to Resolution No. 7 of 4 February 2002 issued by the OFFICE OF THE ATTORNEY-GENERAL (TREASURY);

The SECRETARIAT FOR ECONOMIC POLICY of the MINISTRY OF THE ECONOMY has taken due action within its sphere of competence;

Pursuant to Article 76 of Decree No. 1326 of 10 November 1998, the publication of the present Resolution in the Official Bulletin shall be deemed for all purposes to constitute sufficient notification;

This Resolution is enacted in the exercise of the powers conferred under Decree No. 1326 of 10 November 1998 and Decree No. 473 of 8 March 2002;

WHEREFORE,

THE MINISTRY OF PRODUCTION
RESOLVES:

Article 1 — To revoke the measure imposed by Resolution No. 1385 of 12 November 1999 of the then MINISTRY OF THE ECONOMY AND PUBLIC WORKS AND SERVICES on export

transactions to the ARGENTINE REPUBLIC of unglazed ceramic flags and paving, hearth or wall tiles, of fine earthenware *porcellanato*, in all sizes, from the ITALIAN REPUBLIC, cleared through customs under MERCOSUR Common Nomenclature tariff heading 6907.90.00.

Art. 2 — For communication, publication, transmittal to the National Registry Office and filing.

— José I. de Mendiguren.
