

Original: Spanish

**TRINIDAD AND TOBAGO - PROVISIONAL ANTI-DUMPING MEASURE
ON IMPORTS OF MACARONI AND SPAGHETTI
FROM COSTA RICA**

Request for Consultations by Costa Rica

The following communication, dated 17 January 2000, from the Permanent Mission of Costa Rica to the Permanent Mission of Trinidad and Tobago and to the Chairman of the Dispute Settlement Body, is circulated in accordance with Article 4.4 of the DSU.

The Government of Costa Rica hereby requests consultations with the Government of Trinidad and Tobago pursuant to Article 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU), Article XXIII, paragraph 1 of the General Agreement on Tariffs and Trade 1994 (GATT 1994), and Articles 17.1, 17.2 and 17.3 of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994, with regard to Legal Notice No. 237 published in the Trinidad and Tobago Gazette on 30 December 1999 by the Ministry of Trade and Industry of Trinidad and Tobago applying a provisional anti-dumping duty to imports of macaroni and spaghetti from Costa Rica, the actions that preceded it, as described in the following paragraph, and Trinidad and Tobago's anti-dumping legislation (The Anti-dumping and Countervailing Duties Act, 1992 as amended by the Anti-dumping and Countervailing Duties (Amendment) Act, 1995 and the Anti-Dumping and Countervailing Duties Regulations, 1996).

Trinidad and Tobago formally initiated an anti-dumping procedure against imports of macaroni and spaghetti from Costa Rica with the publication of Legal Notice No. 302 by the Ministry of Trade and Industry on 31 December 1998 based on a request by the company Cereal Products Limited. Before the formal launching of the investigation, a preliminary hearing was held on 27 July 1998 based on a notice published by the Ministry of Trade and Industry of Trinidad and Tobago in a national daily newspaper on 21 July of that same year. On 3 December 1999, the Ministry of Trade and Industry of Trinidad and Tobago published Legal Notice No. 220 containing a preliminary determination that macaroni and spaghetti imports from Costa Rica had been sold at dumped prices and had caused material injury to Trinidad and Tobago's domestic industry. Lastly, Legal Notice No. 237 published in the Trinidad and Tobago Gazette on 30 December 1999 by the Ministry of Trade and Industry of Trinidad and Tobago, imposed a provisional anti-dumping duty on imports of macaroni and spaghetti from Costa Rica.

The Government of Costa Rica considers that, *inter alia*, some aspects of Trinidad and Tobago's anti-dumping legislation, the initiation of the investigation, the determination of dumping, of injury and of a causal link, the action of the investigating authority of Trinidad and Tobago through the investigation procedure and its conclusions are incompatible with WTO provisions. Specifically, the Government of Costa Rica considers that this action infringes Article 1, paragraphs 1, 2, 4 and 6 of Article 2, paragraphs 1, 2, 4 and 5 of Article 3, paragraphs 2, 3, 4, 5, 7, 8 and 10 of Article 5,

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paragraphs 1, 2, 4, 5, 6, 7, 8 and 13 of Article 6, paragraph 1 of Article 7, paragraph 1 of Article 10, paragraphs 1 and 2 of Article 12, paragraphs 1 and 4 of Article 18, Annex I and Annex II of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994.

The Government of Costa Rica reserves the right to raise further issues of fact and of law in the course of the consultations.

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