



23 October 2017

(17-5716)

Page: 1/1

Original: English

## KAZAKHSTAN - ANTI-DUMPING MEASURES ON STEEL PIPES

### COMMUNICATION FROM UKRAINE

The following communication, dated 19 October 2017, was received from the delegation of Ukraine with the request that it be circulated to the Dispute Settlement Body (DSB).

---

I would like to refer to the Russian Federation's request dated 6 October 2017 to be joined in the consultations requested by Ukraine with the Government of Kazakhstan pursuant to Articles 1 and 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes ("DSU"), Article XXII of the General Agreement on Tariffs and Trade 1994 and Articles 17.2 and 17.3 of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 with respect to anti-dumping measures on steel pipes (*DS 530 Kazakhstan– Anti-Dumping Measures on Steel Pipes*).

My authorities have instructed me to inform you about serious concerns regarding the Russian Federation's noncompliance with procedural requirements of the DSU, in particular Article 4.11 thereof.

According to Article 4.11 of the DSU, a Member that has a substantial trade interest in consultations may notify the consulting Members and the DSB, within 10 days after the date of the circulation of the request for consultations of its desire to be joined in the consultations.

Ukraine's request for consultations with respect to anti-dumping measures on steel pipes was circulated on 21 September 2017 (WT/DS530/1; G/L/1185; G/ADP/D119/1). Thus, deadline for countries to join the consultations according to the Article 4.11 of the DSU lapsed on 1 October 2017. By filing request to be joined in the consultations on 6 October 2017 the Russian Federation failed to meet the deadline set out in the DSU, thus deprived itself of a right to be joined in the consultations.

Moreover, in Ukraine's view, accepting the mentioned request to be joined in the consultations after expired deadline breaches the provisions of Article 4.6 of the DSU which establishes requirement of confidentiality. Therefore, Ukraine considers the request of the Russian Federation as not eligible and cannot accept its participation in the consultations.

I would like to emphasize that complying with the provisions of the WTO covered agreements, including those relating to the procedural matters, is of the utmost importance for Ukraine. Acting in line with the DSU provisions ensure smooth functioning of the WTO dispute settlement mechanism, whilst ignoring the set deadlines hinder the effectiveness of the system.

---