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THAILAND - ANTI-DUMPING DUTIES ON ANGLES, SHAPES AND
SECTIONS OF IRON OR NON-ALLOY STEEL AND H-BEAMS
FROM POLAND

Request for Consultations from Poland

The following communication, dated 6 April 1998, from the Permanent Mission of Poland to the Permanent Mission of Thailand and to the Dispute Settlement Body, is circulated in accordance with Article 4.4 of the DSU.

In accordance with Article 17.3 of the Agreement on Implementation of Article VI of GATT 1994 (the Agreement) and Article 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU), the Republic of Poland requests to hold consultations with the Kingdom of Thailand concerning imposition of final anti-dumping duties on imports of Angles, Shapes and Sections of Iron or Non-Alloy Steel; H-Beams originating in the Republic of Poland.

On 30 August 1996, the *Thai Committee to consider procedures for the imposition of special duty on products which are imported into Thailand at unfair prices and for imposition of special duty on products which are subsidized and imported into Thailand* decided to initiate an anti-dumping investigation concerning imports of Angles, Shapes and Sections of Iron or Non-Alloy Steel: H-Beams originating in the Republic of Poland.

On 27 December 1996, the Ministry of Commerce of the Kingdom of Thailand imposed a provisional anti-dumping duty of:

- 25.9 per cent of the c.i.f. value for the product under investigation manufactured and exported by the Polish producer (Huta Katowice S.A.);
- 29.81 per cent of the c.i.f. value for the product under investigation exported by the Polish exporter (Stalexport S.A.); and
- 51.99 per cent of the c.i.f. value for the product under investigation produced or exported by anyone outside the two above

for the period of four months.

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On 26 May 1997, the Ministry of Commerce of the Kingdom of Thailand imposed a final anti-dumping duty of 27.78 per cent of the c.i.f. value for the product under investigation produced or exported by any Polish producer or exporter.

On 20 June 1997 and 23 June 1997, the respondents to the investigation, i.e. the Polish producer and the Polish exporter requested the disclosure of findings from the Thai Ministry of Commerce.

On 7 July 1997, the Thai Ministry of Commerce explained that no further disclosure will follow.

In view of the above-mentioned investigation and the imposition of final anti-dumping duties, Poland has serious concerns regarding the conformity with the Agreement of the following:

- the determination of injury to the Thai domestic industry according to Article 3 of the Agreement;
- the determination of dumping (and particularly the calculation of the dumping margin) according to Article 2 of the Agreement;
- inconsistency of the procedure applied by the Thai investigating authorities with the provisions of Articles 5 and 6 of the Agreement.

The Republic of Poland reserves its right to raise any other issue concerning the case during the coming consultations.

Taking into account the above-mentioned circumstances, Poland would welcome the opportunity to hold such consultations with Thailand in Geneva on 21 April 1998.
