

Original: English

TURKEY - ANTI-DUMPING DUTY ON STEEL AND IRON PIPE FITTINGS

Request for Consultations from Brazil

The following communication, dated 9 October 2000, from the Permanent Mission of Brazil to the Permanent Mission of Turkey and to the Chairman of the Dispute Settlement Body, is circulated in accordance with Article 4.4 of the DSU.

Upon instruction from my authorities, I hereby wish to convey the request of the Government of Brazil for consultations with Turkey pursuant to Article 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU), 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), including Article 17.4 thereof.

- (1) The measure at issue is the anti-dumping duty that resulted from the investigation and findings adopted by Turkey in communication No. 2000/3, published in the Turkish official gazette on 26 April 2000 (the official communication).
- (2) In view of the official communication and the other information available to them, my authorities consider that Turkey infringed WTO obligations as also elaborated more specifically in (3) and (4) below.
- (3) My authorities consider that Turkey failed to ensure proper notifications in this case and that its establishment of the facts was not proper and that its evaluation of these facts was not unbiased and objective particularly in relation to:
 - (i) the initiation of the investigation into this case (the investigation);
 - (ii) the conduct of the investigation, including the evaluation, findings and determinations of dumping and injury;
 - (iii) the evaluation, findings and determinations of the causal link between dumping and injury; and
 - (iv) the imposition of the anti-dumping duty.
- (4) More specifically, my authorities consider that infringements of the following provisions of the Anti-Dumping Agreement, in addition to Article VI of GATT 1994, have been committed by Turkey:
 - (i) Article 1 (Principles);

- (ii) Article 2 (Determination of Dumping), including paragraphs 2.1, 2.2, 2.4 and 2.6 thereof;
- (iii) Article 3 (Determination of Injury), including paragraphs 3.1, 3.2, 3.3, 3.4, 3.5, 3.6 and 3.7 thereof;
- (iv) Article 5 (Initiation and Subsequent Investigation), including paragraphs 5.2, 5.3, 5.5, 5.7 and 5.8 thereof;
- (v) Article 6 (Evidence), including paragraphs 6.1, 6.2, 6.4, 6.6, 6.9 and 6.10 thereof;
- (vi) Article 12 (Public Notice and Explanation of Determinations), including paragraphs 12.1 and 12.2 thereof;
- (vii) Article 15 (Developing Country Members).

In light of the DSU provisions governing this matter, including Article 4.3 thereof, as well as Article 17 of the Anti-Dumping Agreement, including the last sentence of paragraph 17.3 thereof, my authorities look forward to receiving in due course the reply of Turkey to this request. Brazil is ready to consider with Turkey mutually convenient dates to commence consultations in Geneva.

The Government of Brazil reserves the right to raise additional factual or legal points related to the aforementioned measure during the course of consultations.
