

# WORLD TRADE ORGANIZATION

RESTRICTED

**G/ADP/W/128**

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**Committee on Anti-Dumping Practices**  
**Committee on Subsidies and Countervailing Measures**

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QUESTIONS CONCERNING THE NOTIFICATIONS PROVIDED  
BY THE GOVERNMENT OF ARGENTINA<sup>1</sup> OF LAWS AND REGULATIONS  
UNDER ARTICLES 18.5 AND 32.6 OF THE AGREEMENTS

The following communication, dated 12 October 1995, has been received from the Permanent Mission of Korea.

Questions concerning the Anti-Dumping legislation of Argentina

1. General questions

- (1) In cases where there are no relevant provisions in the domestic legislation, does the WTO Agreement apply?
- (2) If the provisions of the existing domestic legislation do not conform to the WTO Agreement, do the provisions of the WTO Agreement apply?

2. Causal links between material injury and dumped goods

According to the WTO A-D Agreement Article 3.5, in evaluating material injury, the authorities shall also examine any known factors other than the dumped imports which at the same time are injuring the domestic industry.

However, Article 11 of Argentina's Decree No. 2121/'94 is not clear on this matter. Could Argentina clarify it?

3. Application

Article 37 of Argentina's Decree states that "application for the initiation of an investigation shall be submitted by or on behalf of the domestic industry".

How can this be consistent with WTO A-D Agreement Article 5.4 which defines the standing of application very strictly?

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4. Some issues of the WTO A-D Agreement which are absent from Argentina's A-D legislation

(1) Notification of application

The WTO A-D Agreement Article 5.5 stipulates that "after receipt of a properly documented application and before proceeding to initiate an investigation, the authorities shall notify the government of the exporting Member concerned".

Where are such provisions in Argentina's A-D legislation?

(2) De minimis rule

According to the WTO A-D Agreement Article 5.8, an anti-dumping investigation should be terminated when the dumping margin is less than 2 per cent or dumped imports from a particular country is less than 3 per cent ... .

Where are such provisions in Argentina's A-D legislation?

(3) Start-up operation cost adjustment

According to the WTO A-D Agreement Article 2.2.1.1 start-up operation cost shall be reflected in calculating normal price when it is necessary.

Where are such provisions in Argentina's A-D legislation?

(4) Cumulative evaluation of injury

The WTO A-D Agreement stipulates that the evaluation of injury is conducted according to the origin of countries, in principle, and that cumulative evaluation of injury is allowed only in exceptional cases.

However, Argentina's legislation does not stipulate on the cases in which cumulative evaluation of injury is allowed.

Question: would Argentina confirm that it would observe the relevant provisions of the WTO A-D Agreement on these issues? Does Argentina have any intention to enact new provisions on these issues in conformity with the WTO A-D Agreement?