

**SOUTH AFRICA – ANTI-DUMPING MEASURES ON
UNCOATED WOODFREE PAPER**

Request for Consultations by Indonesia

The following communication, dated 9 May 2008, from the delegation of Indonesia to the delegation of South Africa and to the Chairman of the Dispute Settlement Body, is circulated in accordance with Article 4.4 of the DSU.

My authorities have instructed me to request consultations with the Republic of South Africa ("South Africa") pursuant to Articles 1 and 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes, Article XXIII:1 of the General Agreement on Tariffs and Trade 1994, and Article 17 of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 (the "Anti-Dumping Agreement") with respect to South Africa's continued imposition of anti-dumping duties on imports of Uncoated Woodfree White A4 Paper from Indonesia and related measures.

South Africa first imposed definitive anti-dumping measures on imports of Uncoated Woodfree White A4 Paper from Indonesia on 28 May 1999. South Africa's International Trade Administration Commission initiated sunset review proceedings in respect of this anti-dumping measure on 2 April 2004.¹ Subsequently, on 17 August 2005, the International Trade Administration Commission concluded in its final determination in the sunset review proceedings that the expiry of the anti-dumping measure is *not likely* to lead to the continuation or recurrence of dumping by Indonesian exporters of Uncoated Woodfree White A4 Paper.² However, South Africa continues to impose anti-dumping duties on Indonesian imports of Uncoated Woodfree White A4 Paper.³

In these circumstances, it appears to Indonesia that:

- (a) South Africa's failure to terminate the anti-dumping measure imposed on imports of Uncoated Woodfree White A4 Paper from Indonesia is inconsistent with its obligation under Article 11.3 of the Anti-Dumping Agreement to terminate anti-dumping measures not later than five years following the date of imposition

¹ ITAC, Notice No. 552, Government Gazette, 2 April 2004.

² ITAC, Report No. 131, *Sunset Review of the Anti-dumping Duties on Uncoated Woodfree White A4 Paper Originating in or Imported from Brazil and Indonesia: Final Determination*, 17 August 2005.

³ It is Indonesia's understanding that South Africa may have refrained from terminating the anti-dumping duties imposed on imports of uncoated woodfree A4 paper because of interim orders issued in certain ongoing judicial review proceedings regarding the International Trade Administration Commission's 17 August 2005 determination.

unless a determination is made in a properly conducted sunset review that expiry would be likely to lead to the continuation or recurrence of dumping and injury.

- (b) To the extent that the sunset review initiated on 2 April 2004 may be considered to be still ongoing⁴, South Africa's failure to conclude this review is inconsistent with its obligation under Article 11.4 of the Anti-Dumping Agreement to conclude sunset reviews expeditiously and normally within twelve months.

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

⁴ Indonesia notes that South Africa's latest semi-annual report under Article 16.4 of the Anti-Dumping Agreement lists the sunset review on Uncoated Woodfree White A4 Paper from Indonesia as ongoing. See G/ADP/N/158/ZAF, 2 August 2007, p. 3.