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PROTECTIVE ACTIONS BY DEVELOPED COUNTRIES AFFECTING IMPORTS FROM DEVELOPING COUNTRIES

Note by the Secretariat

1. In this note, the secretariat has put together available information on a number of recent measures taken by developed countries and affecting the exports of developing countries that have come to its notice since the Sub-Committee's last session on 21 September 1984. It will be recalled that it was agreed in the Committee on Trade and Development in March 1980 (COM.TD/104, paragraph 20) and reaffirmed by the Sub-Committee at its first session in July 1980 (COM.TD/SCPM/1, paragraph 21) that there were three possible sources of information for the work of the Sub-Committee: notifications by contracting parties applying new protective measures affecting imports from developing countries; "reverse" notifications by developing countries; and information to be provided by the secretariat on the basis of data available from official sources and as necessary checked with the delegations concerned to ensure accuracy.
2. At its Forty-Ninth Session on 8 March 1983 the Committee on Trade and Development agreed that there should not be any unnecessary duplication between the programme of country consultations on the application of Part IV called for by Ministers at the Thirty-Eighth Session of the CONTRACTING PARTIES and the work of the Sub-Committee. It was therefore decided that in contributing to the review of the application of Part IV, the Sub-Committee would not examine any new measures covered in the course of country consultations held during the relevant period (COM.TD/114, paragraph 7 of Annex).
3. GATT/AIR/2182 of 1 August 1985 invited notifications from contracting parties containing information not covered in the programme of country consultations but relevant, inter alia, to the work of the Sub-Committee.
4. For this session of the Sub-Committee, any new measures taken by Canada, Switzerland, Australia and New Zealand which have been covered in documentation prepared for the Part IV consultations in 1985 are not referred to in this document. However, for the sake of continuity, mention is made of recent developments with respect to measures previously taken by those countries which have already been examined by the Sub-Committee at previous sessions.
5. As was the case for earlier meetings of the Sub-Committee, measures taken under the Multifibre Arrangement by countries participating in it are not listed in this document. Such measures are notified to the Textiles Surveillance Body for examination and subsequent circulation. Similarly, measures which are currently under consideration, but on which no official

decision has been announced, are not listed. Export restraints on other products are mentioned in this paper where information is available to the secretariat. With respect to GSP actions, the Decision on Differential and More Favourable Treatment, Reciprocity and Fuller Participation of Developing Countries provides in its paragraph 4 for notification, and consultations if requested, with respect to actions taken by a contracting party to introduce, modify, or withdraw, inter alia, preferential tariff treatment accorded under the Generalized System of Preferences. The Committee on Trade and Development has primary responsibility for supervision of the implementation of the Enabling Clause.

6. It should be noted that the information in this document is presented in accordance with the understanding reached at the July 1980 meeting of the Sub-Committee that the inclusion of measures in secretariat papers for the Sub-Committee would be without prejudice to views delegations might have regarding the desirability of taking up for examination any such measures or whether they fall within the Sub-Committee's terms of reference (COM.TD/SCPM/1, paragraph 21). It remains open to delegations to raise for discussion any other measures that they consider fall under the Sub-Committee's mandate. In this connection, it might be recalled that, at the Sub-Committee's July 1980 meeting, there was a widespread view that the value of discussion in the Sub-Committee would be enhanced if countries taking measures had some advance indication of the points that members might wish to take up for examination (COM.TD/SCPM/1, paragraph 21).

NEW DEVELOPMENTS AFFECTING IMPORTS FROM DEVELOPING COUNTRIES

United States - certain sugar-containing products

7. The United States Government announced on 28 January 1985 that import quotas were to be imposed on certain products containing sugar. The affected products include sweetened cocoa (TSUS No. 156.45), pancake flours and mixes (TSUS NO. 183.01) and edible sugar preparations containing under 5 per cent butterfat (TSUS No. 183.05). The quotas were set at the following levels:

	<u>29 January 1985 -</u> <u>30 September 1985</u>	<u>1 October 1985 -</u> <u>30 September 1986</u>
	(short tons)	
Sweetened cocoa	1,000	3,000
Pancake flours and mixes	2,500	7,000
Edible sugar preparations	28,000	84,000

These measures were notified to the GATT in document L/5787 (18 March 1985). The measures were subsequently modified (L/5787/Add.1 - 21 June 1985) so as to exempt the following products from the quotas, with effect from 19 May 1985:

- items in retail packages that are not dry mixes;
- retail packaged items that are dry mixes but contain 10 per cent or less sugar by dry weight;
- bulk items that contain 10 per cent or less sugar by dry weight;

- certain cake decorations containing less than 65 per cent sugar that will be used without further processing;
- finely ground or mastigated coconut meat or juice; and
- minced seafood preparations containing 20 per cent or less sugar by dry weight.

Relevant trade and tariff information on the products affected by these measures is reproduced in Table 1 of Annex I.

United States - raw sugar

8. The United States imposed an import free of .2875 cents per pound on raw sugar for the first quarter of 1985. There had not been an import fee on raw sugar since 1982. The fee for refined sugar was at the same time increased from 1 cent per pound to 1.2875 cents per pound. It was subsequently announced, on 29 March 1985, that the import fee on raw sugar was to be suspended with effect from 1 April 1985, and the fee for refined sugar reverted to its previous level of 1 cent per pound. Data on United States imports of raw sugar are contained in Table 2 of Annex I.

European Communities - cherries

9. The Commission of the European Communities announced by EEC Regulation No. 1626/85 (14 June 1985), the introduction of minimum import prices on Morello cherries with effect from 18 June 1985. If the minimum import prices are not respected, a countervailing charge is levied on the product in question. The countervailing duty varies up to a maximum amount, according to the difference between the actual and minimum import price. These measures were notified to the GATT as an Article XIX action (L/5841 - 16 July 1985), and will remain in force until 9 May 1986. Details of the affected products, the minimum import prices and the range of applicable countervailing charges are provided in the table overleaf. Tariff and trade data relevant to these products are contained in Table 3 of Annex I.

United States - steel

10. On 24 July 1984, the United States International Trade Commission (USITC) reported to the President its determination that certain carbon and alloy steel products were being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or threat of serious injury, to domestic industry. A majority of the USITC commissioners recommended that import restrictions be imposed on the affected products for a period of five years. The President rejected the recommendation and instead undertook, amongst other actions, to negotiate export restraint agreements with certain supplying countries. These actions are intended to achieve an import penetration ratio of 18.5 per cent (excluding semi-finished steel products).

11. The United States authorities have negotiated voluntary export restraint agreements with eleven supplying countries. Each of the agreements will last five years and covers steel arriving in the United States after 1 October 1984. The developing countries which have signed restraint agreements with the United States under this programme include Korea, Brazil, Mexico and Romania. Korea, Brazil and Mexico have undertaken to limit their exports to 1.9 per cent, 0.8 per cent and 0.36

EEC Action Affecting Morello Cherries

CCT heading No	Description	Minimum import price	Range for countervailing duties
ex 08.10 D	Morello cherries, preserved by freezing, not containing added sugar	48.20	0.48-10.50
ex 20.03	Morello cherries, preserved by freezing, containing added sugar	48.20	0.48-10.50
ex 20.06	<p>Fruit otherwise prepared or preserved, whether or not containing added sugar:</p> <p>B.II. Not containing added spirit:</p> <p>(a) Containing added sugar, in immediate packing of a net capacity of more than 1 kg.:</p> <p>ex 8 Morello cherries in syrup</p> <p>(b) Containing added sugar, in immediate packings of a net capacity of 1 kg. or less:</p> <p>ex 8 Morello cherries in syrup</p> <p>(c) Not containing added sugar, in immediate packings of a net capacity:</p> <p>1. Of 4.5 kg. or more: ex dd) Morello cherries</p> <p>2. Of less than 4.5 kg . ex bb) Morello cherries</p>	60.80	0.61-31.44
		67.10	0.67-33.55
		53.70	0.54-25.57
		58.70	0.59-31.86

per cent respectively of the projected United States market. Romania has undertaken to limit steel exports to the United States to 150,000 tons per year. No trade and tariff data have been provided in connection with these measures because of a lack of detailed tariff line information on the affected products.

OTHER DEVELOPMENTS OF POSSIBLE INTEREST TO THE SUB-COMMITTEE

Anti-dumping and countervailing duty actions

12. Under the terms of Article 14:4 and 2:16 of the Anti-Dumping Code and of the Code on Subsidies and Countervailing Duties respectively, signatories of these agreements report without delay to the relevant Committee all preliminary or final actions taken with respect to anti-dumping or countervailing duties. In addition, they submit, on a semi-annual basis, reports on actions taken within the preceding six months. Reports covering the period July-December 1984 have been circulated in documents ADP/23 and Addenda and SCM/59 and Addenda. Reports covering the period January-June 1985 are being circulated in ADP/24 and Addenda and SCM/66 and Addenda. Information on anti-dumping and countervailing actions affecting exports of developing countries that has come to the notice of the secretariat since the last background note for the Sub-Committee was prepared is summarized in Tables 1 and 2 of Annex II, this information being provided subject to the understanding referred to in paragraph 6 above. In accordance with the decisions taken by the Committee on Trade and Development in March 1983, referred to in paragraph 2 above, Annex II does not contain information on anti-dumping and countervailing actions which may have been taken by countries holding Part IV consultations under the Committee in the current year.

Subsidy notifications under Article XVI:1

13. In regard to subsidy practices, new notifications pursuant to Article XVI:1 were submitted by some contracting parties in 1984 (L/5603 and Addenda). Notifications by contracting parties in 1985 of changes in subsidy measures since their last full notifications last year are being circulated in document L/5768 and Addenda.

DEVELOPMENTS WITH RESPECT TO MEASURES DISCUSSED AT THE SUB-COMMITTEE'S EARLIER MEETINGS

European Communities - dried grapes

14. At its sixth meeting in September 1983, the Sub-Committee had before it information regarding protective measures taken by the EEC in 1982 affecting imports of dried grapes other than currants (COM.TD/SCPM/W/17, paragraph 8). The action was notified to the CONTRACTING PARTIES as an Article XIX action in document L/5399 (2 November 1982). These measures, involving the stipulation of a minimum import price and a countervailing charge when the minimum price is not observed, were extended for subsequent marketing years. In 1984, the minimum import price of ECU 106.7 per 100 kgs. remained unchanged, but the countervailing charge levied when the minimum import price is not respected was raised from ECU 16 per 100 kgs. to ECU 26.83 per 100 kgs (effective 18 February 1984). For the 1984/85 marketing year the countervailing charge was reduced to ECU 22.8 per 100 kgs.

15. The protective measures for dried grapes have been amended and extended for a further year, to 31 August 1986. Minimum import prices and countervailing charges applicable when minimum import prices are not respected have been set for both currants and other dried grapes. The minimum import price for currants is ECU 117.8 per 100 kgs and is ECU 123.2 per 100 kgs for dried grapes. The countervailing charges vary from ECU 1.18 per 100 kgs. to ECU 18.0 per 100 kgs. for currants, and from ECU 1.23 per 100 kgs. to ECU 23.4 per kgs. for dried grapes. The countervailing charges vary according to the amount by which the import price is below the minimum stipulated price.

Canada - footwear

16. At its fifth session in September 1982, the Sub-Committee had before it information on import quotas imposed by Canada on leather and non-leather footwear (COM.TD/SCPM/W/14, paragraphs 8 and 9). These measures were notified to the CONTRACTING PARTIES as Article XIX actions in documents L/5351 of 22 July 1983 (for leather footwear) and L/5263 of 30 November 1981 (for non-leather footwear). Modifications to these measures were notified in documents L/5351/Add.17 (leather footwear) and L/5263/Add.16 (non-leather footwear), both of 7 June 1984. The modifications included an extension of the import quotas on both leather and non-leather footwear, from the original expiry date of 30 November 1984 for a further sixteen months, until 31 March 1986. Details of increased quota levels associated with this extension, as well as lower price points above which leather footwear was exempt from quotas, were reproduced in COM.TD/SCPM/W/23 (paragraph 13) for consideration at the Sub-Committee's seventh session.

17. In subsequent modifications to the arrangements governing the imports of footwear, the Canadian authorities announced that the period of sixteen months previously notified as an extension of the import quotas was to be shortened by four months, thereby making the expiry date 30 November 1985. In addition, the global import quotas were increased to 12.3 million pairs (from 12.1 million pairs) for leather footwear and to 37.7 million pairs (from 37.3 million pairs) for non-leather footwear. Finally, with effect from 30 April 1985, the price points above which leather footwear is exempt from quotas was lowered to CAN\$35 per pair (from CAN\$40 per pair) for shoes and sandals and to CAN\$60 per pair (from CAN\$67 per pair) for boots. These changes have been notified to the CONTRACTING PARTIES in documents L/5351/Add.20 and Add.23, and L/5263/Add.19.

18. On 4 July 1985, the report of the Canadian Import Tribunal on its enquiry into the Canadian footwear industry was released (and is referred to in L/5854 - 6 August 1985). In general, the Tribunal found that the footwear industry had made significant progress in restructuring, and recommended that import quotas be removed from those sectors of the industry which were now competitive. A notable exception in this regard was the women's and girls' footwear sector, where the Tribunal recommended the maintenance of import quotas for a period of three years.

European Communities - mushrooms

19. At several earlier meetings, the Sub-Committee has discussed certain EEC measures in the mushroom sector. Import arrangements introducing a licensing system and quantitative restrictions with respect to cultivated mushrooms in brine (CCT ex 07.03E) and cultivated mushrooms prepared or

preserved in vinegar or acetic acid (CCT ex 20.01C) were described in document COM.TD/SCPM/W/11, paragraph 6 and in COM.TD/SCPM/W/17, paragraph 17. The import controls affecting these products were removed with effect from 1 January 1985.

20. The Sub-Committee has also discussed EEC measures affecting mushrooms prepared or preserved otherwise than by vinegar or acetic acid (CCT ex 20.02 A.I) on the basis of information contained in document COM.TD/SCPM/W/11, paragraph 12 and 13. These measures, which have been continued on an annual basis since 1981, require that imports in excess of 34,750 tonnes per annum are subject to a charge of 160 ECU per 100 kgs in addition to the tariff of 23 per cent payable on all imports of this item. For the calendar year 1985 the following allocation of quantities importable without payment of the additional amount has been made to supplying countries: China, 26,627 tonnes; Korea, 3,000 tonnes; Hong Kong, 434 tonnes; Spain, 1,086 tonnes; Other, 3,603 tonnes.

United States - sugar

21. For its fifth meeting, the Sub-Committee had before it information on the reintroduction of import quotas on sugar with effect from 11 May 1982 (COM.TD/SCPM/W/14, paragraph 18). The sugar quota for the year ended 30 September 1985 was set at 2.7 million tons, representing a reduction of 16 per cent on the previous year's quota.

European Communities - steel

22. The Sub-Committee had before it at several earlier meetings information on bilateral agreements between the EEC and certain supplying countries in regard to export restraints on certain iron and steel products. These restraint agreements have been continued on an annual basis and are reinforced by a system of surveillance and import licences. There are also measures in place which restrict domestic production in the EEC. As in previous years, the export restraint agreements are based on maintaining traditional levels of trade in steel. The rate of abatement for supplies in relation to the reference year 1980 is 10 per cent for 1985, compared to 12.5 per cent in recent years. Korea and Brazil (pig iron and cast iron only), are among the fifteen or sixteen countries which have signed restraint agreements in 1985.

Other measures previously examined by the Sub-Committee

23. The secretariat has no new information regarding developments concerning other measures examined at earlier meetings of the Sub-Committee. These measures include, inter alia, the following:

- Swiss action affecting frozen vegetables (COM.TD/SCPM/7, paragraph 10);
- European Communities action affecting tapioca (COM.TD/SCPM/5, paragraphs 11 to 14);
- United States action on preserved mushrooms (COM.TD/SCPM/4, paragraph 23 and COM.TD/SCPM/W/14, paragraph 31);

- New Zealand tariff increase on coir mats and matting (COM.TD/SCPM/2, paragraph 12);
- Swiss price supplements on imports of edible vegetable oils and fats (COM.TD/SCPM/3, paragraphs 8 to 11);
- Italian measures affecting jute yarn and certain clams (COM.TD/SCPM/3, paragraph 30 and 34 to 35).

Annex I - Table 1

Tariff and Trade Data¹: US Measures Referred to in Paragraph 7

TSUS	Description	M.f.n. duty rate	GSP	Imports 1983 '000 US\$ - figures in brackets '000 kg.	
				Total	Supplying countries
156.45	Sweetened Cocoa	Free		3,371 (74,193)	ECU - 1,640 (20,867) CAN - 1,349 (44,139) DOM - 138 (5,400) CHE - 75 (498) EEC - 58 (734) CRI - 53 (1,911) JAM - 53 (509) MEX - 5 (136)
183.01	Pancake flours and mixes	10%	Free	5,603 (14,125)	CAN - 3,971 (10,856) JPN - 596 (1,015) PHL - 576 (916) EEC - 134 (188) CRI - 126 (816) OAN - 78 (111) HKG - 40 (68) MEX - 32 (110) IND - 20 (13) Other- 30 (32)
183.05	Edible preparation under 5% butterfat	10%	Free	111,207 (1,800,165)	JPN - 34,268 (249,532) CAN - 23,514 (577,216) EEC - 11,473 (279,294) DOM - 6,448 (161,428) OAN - 6,316 (77,598) MEX - 4,993 (55,455) THA - 3,692 (50,047) CHE - 3,376 (30,317) KOR - 2,715 (51,406) HKG - 2,030 (20,617) Other- 12,382 (247,255)

¹ These figures do not take account of exemptions to the quota restrictions mentioned in Paragraph 7.

Annex I - Table 2

Tariff and Trade Data: US Measures Referred to in Paragraph 8

TSUS	Description	M.f.n. duty rate	GSP	Imports 1983 '000 US\$	
				Total	Supplying countries
15.512 15.515	Sugar beets Sugar cane	80¢ per short ton \$2.50 per short ton		8,356	CAN: 7,200 EEC: 356 ASIA (not specified): 980

Annex I - Table 3

Tariff and Trade Data: EEC Measures Referred to in Paragraph 9

COON Tariff Line	Description	M.f.n. duty rate	GSP	Imports 1983 '000 ECU - figures in brackets '000 kg.	
				Total	Supplying countries
ex 08.10 D	Morello cherries, preserved by freezing, not containing added sugar	18%		41,620 (53,391)	YUG - 10,914 (21,428) SWE - 5,487 (1,475) USA - 4,389 (3,670) TUR - 2,843 (3,959) HUN - 2,559 (4,792) CSK - 2,189 (5,977) ISR - 1,557 (833) Other- 11,682 (11,257)
ex 20.03	Morello cherries, preserved by freezing, containing added sugar	26 % + ads*		470 (374)	HUN - 236 (164) POL - 124 (157) Other- 110 (53)
ex 20.06	Fruit otherwise prepared or preserved, whether or not containing added sugar: B. II Not containing added spirit: (a) Containing added sugar, in immediate packings of a net capacity of more than 1 kg: ex 8 Morello cherries in syrup (b) Containing added sugar, in immediate packings of a net capacity of 1 kg. or less: ex 8 Morello cherries in syrup (c) Not containing added sugar, in immediate packings of a net capacity: 1. Of 4.5 kg. or more: ex dd) Morello cherries 2. Of less than 4.5 kg: ex bb) Morello cherries	20% + 2% ads* 24% + 2% ads*		1,743 (2,876) 2,952 (5,119)	YUG - 1,255 (2,231) HUN - 267 (333) Other- 221 (312) TUR - 1,168 (1,616) YUG - 868 (1,723) HUN - 612 (1,161) CSK - 148 (273) BUL - 102 (269) Other- 54 (77) YUG - 1,034 (1,890) TUR - 222 (323) HUN - 120 (181) Other- 15 (29)
		23%		1,014 (1,413)	YUG - 334 (566) USA - 334 (355) TUR - 252 (320) Other- 94 (172)

* Additional duty on sugar

Note: Exchange rate 1983: 1,123,318 ECU per 1,000 US\$

Annex 11 - Table 2

Countervailing Actions Relating to Products from Developing Countries

Country and Product Description	Action	Date
(1)	(2)	(3)
<u>United States</u>		
Certain textile mill products and apparel from Colombia	Initiation of countervailing duty investigation	13. 8.84
	Preliminary affirmative countervailing duty determination	31.12.84
Certain textiles and textile products from Singapore	Initiation of countervailing duty investigation	14. 8.84
Certain textiles and textile products from Argentina	Initiation of countervailing duty investigation	15. 8.84
	Preliminary affirmative countervailing duty determination	21.12.84
Certain textiles and textile products from Indonesia	Initiation of countervailing duty investigation	15. 8.84
	Preliminary affirmative countervailing duty determination	21.12.84
Certain textile mill products and apparel from Malaysia	Initiation of countervailing duty investigation	15. 8.84
	Preliminary negative countervailing duty determination) 21.12.84
	Preliminary affirmative countervailing duty determination	
Certain textile products and apparel from Peru	Initiation of countervailing duty investigation	8. 8.84
	Preliminary affirmative countervailing duty determination) 21.12.84
	Preliminary negative countervailing duty determination	
Certain textiles and products from Sri Lanka	Initiation of countervailing duty investigation	15. 8.84
Certain textiles and textile products from Thailand	Initiation of countervailing duty investigation	15. 8.84
Certain textiles and textile products from Turkey	Initiation of countervailing duty investigation	15. 8.84
Certain textiles and textile products from the Philippines	Initiation of countervailing duty investigation	30. 8.84
Cotton shop towels from Peru	Suspension of countervailing duty determination	12. 9.84
Oil country tubular goods from Mexico	Preliminary affirmative countervailing duty determination	12. 9.84
Cold-rolled carbon steel flat-rolled products from Korea	Preliminary affirmative countervailing duty determination	18. 9.84
Carbon steel structural shapes from Korea	Preliminary negative countervailing duty determination	18. 9.84
Agricultural tillage tools from Brazil	Initiation of countervailing duty investigation	25.10.84
Fabricated automotive glass from Mexico	Preliminary affirmative countervailing duty determination	1.11.84
Oil country tubular goods from Korea	Final affirmative countervailing duty determination	28.11.84
Converted paper-related school and office supplies from Mexico	Initiation of a countervailing duty investigation	12.12.84

Annex II - Table IAnti-Dumping Actions Relating to Products from Developing Countries

Country and Product Description	Action	Date
(1)	(2)	(3)
<u>EEC</u>		
Silicon carbide from Yugoslavia	Initiation of anti-dumping proceeding	1. 8.84
Boots with fitted ice skates from Romania and Yugoslavia	Initiation of anti-dumping proceeding	3. 8.84
	Termination of anti-dumping proceeding	18. 2.85
Horticultural glass and certain drawn glass from Romania	Acceptance of undertaking and termination of anti-dumping proceeding	10. 8.84
Certain shovels from Brazil	Imposition of a provisional anti-dumping duty	24. 8.84
	Acceptance of undertaking and termination of anti-dumping proceeding	12.12.84
Oxalic acid from Brazil	Imposition of a provisional anti-dumping duty	4. 9.84
	Imposition of a definitive anti-dumping duty	29. 1.85
Artificial corundum from Yugoslavia	Termination of anti-dumping proceeding	21. 9.84
Basic chromium sulphate from Yugoslavia	Initiation of anti-dumping proceeding	16.10.84
Standard wood particle board from Romania and Yugoslavia	Initiation of anti-dumping proceeding	16.11.84
Hardboard from Argentina and Yugoslavia	Initiation of anti-dumping proceeding	19. 2.85
Wire rod from Brazil, Trinidad and Tobago and Venezuela	Initiation of anti-dumping proceeding	20. 2.85
<u>United States</u>		
Cold-rolled carbon, steel sheet and carbon steel	Preliminary determination of material injury	1. 8.84
Structural shapes from the Republic of Korea		
Fresh cut roses from Colombia	Determination of sales at less than fair value	1. 8.84
Certain welded carbon steel pipes and tubes from Brazil	Initiation of anti-dumping investigation	13. 8.84
	Determination of sales at less than fair value	31.12.84
Tubular metal framed stacking chairs from Taiwan	Preliminary determination of material injury	6. 9.84
Hot-rolled carbon steel sheet from Brazil	Imposition of anti-dumping duties	10. 9.84
Potassium chloride from Israel	Preliminary determination of sales at less than fair value	12. 9.84
Certain cast iron pipe fittings from Brazil	Initiation of anti-dumping investigation	16.10.84
Grand and upright pianos from the Republic of Korea	Initiation of anti-dumping investigation	17.10.84
	Preliminary determination of material injury	5.11.84
Barbed wire and barbless fencing wire from Brazil	Initiation of anti-dumping investigation	18.12.84