UNITED STATES – ANTI-DUMPING MEASURE ON OIL COUNTRY TUBULAR GOODS FROM ARGENTINA

(DS617)

CLOSING STATEMENT OF THE UNITED STATES OF AMERICA AT THE SECOND SUBSTANTIVE MEETING OF THE PANEL

November 19, 2024

Madam Chairperson, members of the Panel,

1. The United States thanks you again for agreeing to serve on this Panel, and would also like to thank the Secretariat staff assisting you with your work.

2. The United States has repeatedly demonstrated throughout this dispute that Argentina's claims under the AD Agreement and the General Agreement on Tariffs and Trade 1994 are without merit.

3. With regard to the U.S. Department of Commerce's initiation of the underlying anti-dumping investigation, Argentina has failed to make a *prima facie* case that Commerce's assessment of industry support was inconsistent with the AD Agreement. Specifically, Argentina's arguments amount to complete speculation, are based on information that was never before the investigating authority at initiation, or are otherwise contradicted by the record or assertions that Argentina has made to this Panel. Commerce fully considered the evidence that was before it at initiation and the arguments that interested parties *actually* presented.

4. Argentina's efforts, *now*, to reframe the issues at initiation, are difficult to reconcile with its own understanding that the timing in which a party raises concerns about industry support is relevant to assessing compliance with Article 5.4. This includes Argentina's "threading" argument, which no one raised before Commerce. The only thing the United States "admitted" during today's hearing was the fact that none of these arguments or facts surrounding "threading" were on Commerce's record. In any event, its arguments do not detract from Commerce's determination.

5. In addition, Argentina has not demonstrated that the U.S. International Trade Commission's decision to cumulate imports in its material injury investigation was inconsistent with U.S. commitments under the AD Agreement, or that the U.S. statutory provision authorizing cumulation of imports is inconsistent with such commitments. Reading the text of Article 3.3 of the AD Agreement, coupled with the surrounding context, reflects that so-called "cross-cumulation" of imports is permissible. Moreover, the overall purpose of cumulation, a purpose that Argentina does not dispute, equally supports the rationale behind cross-cumulation. And the ITC appropriately considered the conditions of competition among subject imports and the domestic like product and found that, given the weight of the record before it, there was a reasonable overlap of competition among such imports and the domestic like product. Argentina has not demonstrated otherwise.

6. Furthermore, the ITC conducted a thorough and objective investigation of all record evidence, before concluding that subject imports were causing material injury to the domestic industry. At this point, Argentina's latest arguments largely repeat assertions that it made in its earlier filings in this dispute, and that the ITC appropriately addressed in its underlying determination. The ITC's findings were those that an unbiased and objective investigating authority could have made, based on the record before it.

7. For the reasons expressed in our opening statement during this meeting, as well as our prior submissions and responses to the Panel's questions, the United States respectfully requests that the Panel reject Argentina's claims.

8. This concludes the U.S. closing statement. Thank you again, and we wish you all safe travels home.