



**INDONESIA – ANTI-DUMPING MEASURES ON IMPORTS OF
HOT-ROLLED STEEL COILS FROM KAZAKHSTAN**

REQUEST FOR CONSULTATIONS BY KAZAKHSTAN

The following communication, dated 10 April 2026, from the delegation of Kazakhstan to the delegation of Indonesia, is circulated to the Dispute Settlement Body in accordance with Article 4.4 of the DSU.

My authorities have instructed me to request consultations with the Republic of Indonesia ("Indonesia") pursuant to Articles 1 and 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes ("DSU"), Article XXII:1 of the General Agreement on Tariffs and Trade 1994 ("GATT 1994"), and Article 17 of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 ("Anti-Dumping Agreement") concerning the imposition of additional ad valorem import duties on imports of hot-rolled steel coils originating in the Republic of Kazakhstan ("Kazakhstan").

A. The measures at issue

The measures that are the subject of these consultations ("the measures at issue") are the additional import duties – currently applied at a rate of 20 percent ad valorem – imposed by Indonesia on imports of hot-rolled coil steel originating in Kazakhstan, classified under the following tariff headings: 7208.10.00, 7208.25.00, 7208.26.00, 7208.27.11, 7208.27.19, 7208.27.91, 7208.27.99, 7208.36.00, 7208.37.00, 7208.38.00, 7208.39.10, 7208.39.20, 7208.39.30, 7208.39.40, 7208.39.90, ex7208.90.10, ex7208.90.20, ex7208.90.90 ("the products at issue").

The measures at issue include, and are contained in, the following instruments and documents:

- *Government Regulation of Indonesia No.34 of 4 June 2011 concerning Anti-Dumping Measure, Countervailing Measure and Safeguard Measure (Regulation No.34);*
- *Decree of the Minister of Finance of Indonesia No. 39.1/PMK.011/2008 of 28 February 2008 (Decree No. 39.1/PMK.011/2008);*
- *Decree of the Minister of Finance of Indonesia No. 169/PMK.011/2013 of 27 November 2013 (Decree No. 169/PMK.011/2013); and*
- *Decree of the Minister of Finance of Indonesia No. 25/PMK.010/2019 of 19 March 2019, as amended by the Regulation of the Minister of Finance No. 31/PMK.010/2022 (Decree No. 25/PMK.010/2019).*
- *Decree of the Minister of Finance of Indonesia No. 103/PMK.010/2024 of 13 December 2024 (Decree No. 103/PMK.010/2024).*

This request also covers any annexes to these documents, as well as all related notices, preliminary findings, reviews, amendments, supplements, replacements, renewals, extensions, implementing measures, and any other related measures.

B. Background to the dispute

The additional import duties at issue originate from Indonesia's anti-dumping investigation concerning imports of hot-rolled coils originating in China, India, the Russian Federation ("Russia"), Taiwan, and Thailand, which resulted in the imposition of anti-dumping measures on those imports

pursuant to Decree No. 39.1/PMK.011/2008. Notably, this original investigation did not include or examine imports originating in Kazakhstan.

Nevertheless, in 2013, following the first sunset review of these measures pursuant to Article 11.3 of the Anti-Dumping Agreement, Indonesia's competent authority, the Ministry of Finance, adopted Decree No. 169/PMK.011/2013, extending the additional import duties at issue. In particular, the 20 percent "all others" rate, which had previously applied to exporting producers from Russia that were not individually examined, was extended to imports from Kazakhstan and Belarus. The only apparent justification for this extension was the establishment of a customs union between Russia, Kazakhstan, and Belarus, which took effect on 1 January 2010. Despite the extension of these duties to Kazakhstan, KADI did not directly notify either the Government of Kazakhstan or any producers or exporters of Kazakhstan of this review. Consequently, neither the Government of Kazakhstan nor producers/exporters of Kazakhstan participated in the review process.

In 2019, the additional duties on imports of hot-rolled steel coils from Kazakhstan were extended for another five-year period pursuant to Decree No. 25/PMK.010/2019, following KADI's second sunset review of the original anti-dumping duties on these products. During this review, KADI alleged that the extension of these duties to imports from Kazakhstan was necessary to prevent circumvention, citing the creation of the Eurasian Economic Union ("EAEU") as justification. However, KADI did not examine any factual evidence or make any findings regarding the alleged risk of circumvention. Furthermore, KADI failed to provide any explanation for its decision to extend the additional duties at issue to certain EAEU Members, such as Kazakhstan and Belarus. In doing so, KADI disregarded the fact that each EAEU Member conducts its export policy independently, and the mere existence of the customs union does not justify the automatic extension of anti-dumping measures to all its members. Moreover, the product at issue is explicitly identified in terms of country of origin in accordance with the national certificate of origin, ensuring that any concerns regarding circumvention could have been addressed through proper customs controls rather than through an unjustified extension of the measure.

Finally, neither KADI's essential facts letter nor its final determination disclosed, in sufficient detail, the specific methodology and data used to calculate the rate of additional duties applied to producers in Kazakhstan.

In 2024, following its third sunset review, Indonesia further extended the additional import duties at issue pursuant to Decree No. 103/PMK.010/2024, despite the absence of an affirmative determination of dumping, injury, or causation with respect to imports from Kazakhstan. KADI continued to treat Kazakhstan, Russia, and Belarus as a single market without legal justification and failed to disclose the essential facts and methodology underlying its determination. Moreover, KADI disregarded the arguments and evidence submitted by Kazakhstan during the review process, including the information on the functioning of the customs union and the certificates of origin, and did not adequately address the procedural deficiencies identified in previous extensions of the measure. As a result, the continued application of these duties appears to be inconsistent with Indonesia's obligations under the GATT 1994 and the Anti-Dumping Agreement.

C. Legal Basis of the Complaint

Kazakhstan is concerned that the measures at issue, operating separately or together, appear to be inconsistent with Indonesia's obligations under the following provisions of the WTO covered agreements:

1. Article I:1 of the GATT 1994, because Indonesia fails to accord immediately and unconditionally to the products at issue originating in Kazakhstan any advantage, favor, privilege, or immunity granted to like products originating in other WTO Members. In particular, Indonesia selectively applies the additional import duties at issue, the methods of levying these duties, and the rules and formalities in connection with importation to imports from Kazakhstan, while not applying the same treatment to like products from various other Members.

2. Articles II:1(a) and (b) of the GATT 1994, because Indonesia fails to accord to the commerce of Kazakhstan treatment no less favorable than that provided for in Indonesia's Schedule of Concessions, annexed to the GATT 1994. Specifically, Indonesia fails to exempt the products at issue originating in Kazakhstan from ordinary customs duties in excess of Indonesia's bound tariff commitments and from all other duties or charges of any kind in excess of those imposed on the

date of the GATT 1994, or those directly and mandatorily required to be imposed thereafter by legislation in force in Indonesia on that date.

3. Article X:3(a) of the GATT 1994, because Indonesia has failed to administer its laws, regulations, decisions, and rulings in relation to the measures at issue in a uniform, impartial, and reasonable manner. For instance, KADI extended the additional duties at issue to Kazakhstan and Belarus without establishing that any circumvention (e.g., transshipment of the products at issue through these countries) had occurred and applied unclear and non-transparent criteria to reach its decision. Moreover, circumvention does not appear to be regulated under Indonesia's domestic law.

4. Articles VI:2 and VI:6(a) of the GATT 1994 and Articles 1, 3.1, 9.3, 11.1 and 18.1 of the Anti-Dumping Agreement, because Indonesia appears to be levying anti-dumping duties on products from Kazakhstan without conducting a prior anti-dumping investigation, without making a prior determination that these products were dumped and caused material injury to Indonesia's domestic industry, and in excess of any established dumping margin.

5. Article 11.3 of the Anti-Dumping Agreement, because in its sunset review determinations the KADI failed to establish the likelihood of continuation or recurrence of dumping and injury.

6. Articles 6.1, 6.2, 6.5.1, 6.8, 6.9 and 12.2.2 of the Anti-Dumping Agreement, because, during all three sunset reviews, KADI failed to ensure the due process rights of producers and exporters from Kazakhstan. In particular:

- During the first sunset review, KADI failed to inform producers and exporters in Kazakhstan directly or through the Government of Kazakhstan about the ongoing review.
- During the second sunset review, KADI failed to disclose the detailed methodology or underlying data used to calculate the dumping margin for producers from Kazakhstan.
- To the extent that such information was deemed confidential, KADI failed to require the petitioner to furnish an adequate non-confidential summary, as required under Article 6.5.1 of the Anti-Dumping Agreement.
- During the third sunset review, KADI violated due process by unjustifiably treating Kazakhstan, Russia, and Belarus as a single market, failing to disclose essential facts, improperly basing its determination on facts available and rejecting Kazakhstan's submissions without explanation, including the information on the functioning of the customs union and the certificates of origin.

7. Article XVI:4 of the Marrakesh Agreement Establishing the World Trade Organization, because Indonesia has failed to ensure the conformity of its laws, regulations, and administrative procedures with its obligations under the WTO agreements, as set out above.

8. Article 18.4 of the Anti-Dumping Agreement, because Indonesia has failed to bring its laws, regulations, and administrative procedures into conformity with its obligations under the Anti-Dumping Agreement.

9. Article 13 of the Anti-Dumping Agreement, because Article 99 of the Regulation No.34 prohibits from challenging the imposition of the anti-dumping measure in national judicial, arbitral or administrative tribunals.

As a result of these inconsistencies, the measures at issue appear to nullify or impair benefits accruing to Kazakhstan, directly or indirectly, under the cited agreements.

Kazakhstan reserves the right to raise additional claims under provisions of the covered agreements regarding the matters described above during the course of consultations.

Kazakhstan looks forward to Indonesia's reply to this request and to agreeing on a mutually convenient date and venue for consultations.