

**UNITED STATES – MEASURES RELATING TO ZEROING  
AND SUNSET REVIEWS**

Request to Join Consultations

*Communication from India*

The following communication, dated 3 December 2004, from the delegation of India to the delegation of the United States, the delegation of Japan and to the Chairperson of the Dispute Settlement Body, is circulated in accordance with Article 4.11 of the DSU.

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Pursuant to Article 4.11 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU), the Government of India hereby notifies its desire to be joined in the consultations requested by the Permanent Mission of Japan to the Permanent Mission of the United States and to the Chairman of the Dispute Settlement Body (DSB) pursuant to Article 4 of the Understanding on the Rules and Procedures Governing the Settlement of Disputes (DSU), Article XXII: 1 of General Agreement on Tariffs and Trade 1994 (GATT 1994) and Article 17.2 of the Agreement on Implementation of Article VI of GATT 1994 (the Anti-Dumping Agreement) regarding certain measures imposed by the United States including: (1) the "zeroing" practice by which the United States Department of Commerce ("USDOC") treats transactions with negative dumping margins as having margins equal to zero in determining weighted average dumping margins in anti-dumping investigations, administrative reviews, and sunset reviews, and also in assessing the final anti-dumping duty liability on entries upon liquidation; (2) in sunset reviews, the USDOC's "irrefutable presumption" of the likelihood of continuance or recurrence of dumping in certain specific factual situations; and (3) in sunset reviews, the waiver provisions of US law, which oblige the USDOC, in certain situations, to find a likelihood of continuation or recurrence of dumping without performing a substantive review. The 24 November 2004 communication from the Permanent Mission of Japan to the Permanent Mission of the United States was circulated to WTO Members on 29 November 2004 (WT/DS322/1; G/L/720; G/ADP/D58/1).

India has substantial trade interest in the consultations on the matter in the dispute, as well as systemic interest in the matter of calculation of dumping margins and sunset reviews. India's trade and systemic interest is also confirmed by the dispute settlement proceedings pursuant to the consultations requested by India in EC-anti-dumping duties on imports of cotton-type bed-linen from India (WT/DS141/1; G/L/253; G/ADP/D13/1). We would be grateful of being informed of the date and venue of consultations, so as to enable us to participate in the consultations.

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