

**UNITED STATES – CONTINUED DUMPING AND  
SUBSIDY OFFSET ACT OF 2000**

Communication from Canada

The following communication dated, 29 April 2005, from the delegation of Canada to the Chairman of the Dispute Settlement Body, is circulated at the request of that delegation.

On 26 November 2004, the Dispute Settlement Body ("DSB") granted authorization to Canada to suspend concessions and related obligations under the *General Agreement on Tariffs and Trade 1994* ("GATT 1994") in accordance with the decision of the Arbitrator in *United States – Continued Dumping and Subsidy Offset Act of 2000*. The authorization was made pursuant to Canada's request made under Article 22.7 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* ("DSU"). In that request, Canada undertook to notify the DSB every year, the terms of any measures Canada proposes to adopt and the applicable level of suspension of concessions, prior to bringing such measures into force.

Canada hereby notifies the DSB that it is suspending, as of 1 May 2005, the application of concessions and related obligations under GATT 1994 on imports of certain products originating in the United States of America. For the first year, an *ad valorem* additional duty of 15 per cent will be imposed on the products listed in the annex and originating in the United States of America. This suspension covers, over one year, a total value of trade that does not exceed US\$ 11.16 million.

Canada's current level of authorization established through arbitration under Article 22.6 of the DSU is US\$ 11.16 million. It represents 72 *per cent* of US\$ 15.5 million collected from Canada's exports and disbursed to US companies in the distribution under the *Continued Dumping and Subsidy Offset Act of 2000* for the most recent year for which data are available. The amount of relevant disbursements was identified using the CDSOA Annual Report for Fiscal Year 2004, published by US Customs and Border Protection on 17 December 2004.

Canada requests that you circulate this notification to the Members of the DSB.

**ANNEX: LIST OF PRODUCTS**

Canada's suspension of concessions or other obligations in the form of a 15 per cent *ad valorem* additional duty will be applied on live swine, cigarettes, oysters, and certain speciality fish (including live ornamental fish and certain frozen fish) originating from the United States of America. These products are identified by the following tariff items in the List of Tariff Provisions set out in the schedule to Canada's *Customs Tariff*. The following descriptions in the present notification are for information purposes only.

<b>HS codes</b>	<b>Description of products</b>
0103.10.00	Live swine – purebred breeding animals
0103.91.00	Other than purebred breeding animals, live swine weighing under 50 kgs
0103.92.00	Other than purebred breeding animals, live swine weighing 50 kgs or more
0301.10.00	Live ornamental fish
0303.79.00	Fish, frozen, excluding fish fillets and other fish meat of heading 0304 and excluding goods of tariff items 0303.11.00 to 0303.78.00 inclusive
0307.10.10	Oysters in shell
0307.10.20	Oysters, shelled
2402.20.00	Cigarettes containing tobacco