

**UNITED STATES – LAWS, REGULATIONS AND METHODOLOGY  
FOR CALCULATING DUMPING MARGINS ("ZEROING")**

Status Report by the United States

The following communication, dated 20 August 2009, from the delegation of the United States to the Chairman of the Dispute Settlement Body, is circulated pursuant to Article 21.6 of the DSU.

Status Report Regarding Implementation of the  
DSB Recommendations and Rulings in the Dispute  
United States – Laws, Regulations and Methodology for  
Calculating Dumping Margins ("Zeroing")  
(WT/DS294)

The United States submits this report in accordance with Article 21.6 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* ("DSU").

On 9 May 2006, the Dispute Settlement Body ("DSB") adopted its recommendations and rulings in *United States – Laws, Regulations and Methodology for Calculating Dumping Margins ("Zeroing")* (DS294). At the following DSB meeting on 30 May 2006, the United States informed the DSB of its intention to implement the recommendations and rulings of the DSB in connection with this matter. The United States and the European Communities ("EC") agreed that the reasonable period of time for the United States to implement the recommendations and rulings of the DSB would end on 9 April 2007.

The United States has taken a number of steps to comply with the recommendations and rulings of the DSB in this dispute. With respect to the "as such" claims, as of 22 February 2007, the United States is no longer performing average-to-average comparisons in anti-dumping investigations without offsets.

With respect to the 15 anti-dumping investigations at issue in this dispute, three of the anti-dumping orders in question had been revoked before the DSB adopted its recommendations and rulings. With respect to the remaining 12, Commerce issued 11 determinations on 9 April 2007 and one determination on 31 August 2007. In those determinations, Commerce used an average-to-average comparison in which offsets were provided. As a result, in two of these determinations, Commerce found no dumping, and Commerce revoked the orders. The margins for the others were adjusted accordingly, and in several cases, Commerce found no dumping by individual companies. Commerce revoked the orders with respect to those companies. Additionally,

four of the remaining anti-dumping orders were revoked as a result of sunset reviews, with effect prior to the end of the reasonable period of time.

On 11 June 2009, the DSB adopted the Appellate Body report and the panel report, as modified by the Appellate Body report, regarding the recourse to Article 21.5 of the DSU by the EC. The United States and the EC are consulting in order to address the findings contained in these reports.

---