

**UNITED STATES – DEFINITIVE ANTI-DUMPING AND COUNTERVAILING
DUTIES ON CERTAIN PRODUCTS FROM CHINA**

Status Report by the United States

Addendum

The following communication, dated 14 June 2012, from the delegation of the United States to the Chairperson 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 – Definitive Anti-Dumping and Countervailing Duties
on Certain Products from China
(WT/DS379)

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

On 25 March 2011, the Dispute Settlement Body ("DSB") adopted its recommendations and rulings in *United States – Definitive Anti-Dumping and Countervailing Duties on Certain Products from China* (WT/DS379). At the following DSB meeting, 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 China agreed that the reasonable period of time for the United States to implement the recommendations and rulings of the DSB would end on 25 February 2012, and jointly notified the DSB of this agreement on 5 July 2011. On 17 January 2012, the United States and China jointly notified the DSB that they had agreed to modify the reasonable period of time, so as to expire on 25 April 2012.

The United States Trade Representative made a written request to the Secretary of Commerce to issue determinations under section 129(b) of the Uruguay Round Agreements Act that would render US Department of Commerce ("Commerce") determinations in four original anti-dumping investigations and four original countervailing duty investigations of products from China – circular welded pipe, light-walled rectangular pipe and tube, certain new pneumatic off the road tires, and laminated woven sacks – not inconsistent with the recommendations and rulings of the DSB.

On 13 March 2012, a new US law was enacted which clarifies the application of US countervailing duties to nonmarket economies.¹ The new legislation makes clear that where

¹ <http://www.gpo.gov/fdsys/pkg/BILLS-112hr4105enr/pdf/BILLS-112hr4105enr.pdf>

countervailing duties are applied to exports from a nonmarket economy country at the same time that anti-dumping duties, calculated using a "surrogate value" methodology, are applied to the exports, and evidence is presented that this has resulted in an increase in the dumping margin, Commerce may reduce the antidumping duty to avoid what has been referred to as a "double remedy." Commerce is currently working to implement this new law, including as part of US efforts to implement the recommendations and rulings of the DSB in connection with this dispute.

On 6 April 2012, Commerce issued to interested parties a preliminary determination with respect to certain issues in the countervailing duty investigation of certain new pneumatic off the road tires. On 9 April 2012, Commerce issued to interested parties a preliminary determination with respect to certain issues in the countervailing duty investigation of laminated woven sacks. On 18 May 2012, Commerce issued to interested parties a preliminary determination with respect to the issues of the determination of public bodies and the use of facts available in the countervailing duty investigations of circular welded pipe, light-walled rectangular pipe and tube, certain new pneumatic off-the-road tires, and laminated woven sacks. On 31 May 2012, Commerce issued to interested parties a preliminary determination with respect to the issue of "double remedy" in the antidumping and countervailing duty investigations of circular welded pipe, light-walled rectangular pipe and tube, certain new pneumatic off-the-road tires, and laminated woven sacks. Commerce has requested that interested parties provide comments on those preliminary determinations and rebuttal comments on any comments submitted by other interested parties.

The United States will continue to consult with interested parties as it works to address the recommendations and rulings of the DSB.
