

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

Communication from Japan

The following communication, dated 29 August 2008, from the delegation of Japan 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 Japan to suspend concessions and related obligations under the *General Agreement to 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* (WT/DS217/ARB/JPN). The authorization was made pursuant to Japan's request made under Article 22.7 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* ("DSU") (WT/DS217/24). In that request, Japan undertook to notify the DSB every year the list indicating the level of additional import duties on the selected products, prior to the entry into force of a level of suspension of concessions or other obligations.

On 18 August 2005, Japan notified the DSB that it was suspending, as of 1 September 2005, the applications of concessions and related obligations under GATT 1994 on imports of certain products originating in the United States (WT/DS217/48). On 22 August 2006, Japan notified the DSB that it was extending the suspension of concessions for the second year starting from 1 September 2006 (WT/DS217/50). On 23 August 2007, Japan notified the DSB that it was extending the suspension of concessions for the third year starting from 1 September 2007 (WT/DS217/52). The scope of the products subject to this suspension of concession and the duty rate will be modified and the rate of *ad valorem* additional duty that will apply to these products will be reduced to 10.6% for the forth year that will start from 1 September 2008.<sup>1</sup> For convenience, attached is the list of the products on which the *ad valorem* additional duty of 10.6% will be imposed when they are originating in the United States. The suspension for the fourth year covers, over one year, a total value of trade that does not exceed US\$16.49 million.

US\$16.49 million is Japan's current level of authorization established through arbitration under Article 22.6 of the DSU. It represents 72 *per cent* of US\$22.91 million collected from Japan'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 based on the CDSOA Annual Report for Fiscal Year 2007, published by US Customs and Border Protection on 5 December 2007.

Japan would be grateful if you could ask the Secretariat to circulate this notification to the Member of the DSB.

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<sup>1</sup> Cabinet Order No. 265 of 29 August 2008, Official Gazette No.189 of Special Issue dated on 29 August 2008, at page 6.

**ANNEX: LIST OF PRODUCTS**

An *ad valorem* additional duty of 10.6% will apply to the products originating in the United States of America classified in the list below. The list uses the 9-digit code classification found in the Harmonized Tariff Schedule of Japan. The descriptions provided herein are for information purposes only.

<i>HS Codes</i>	<i>Description of products</i>
848210000	Ball bearings
848220000	Tapered roller bearings, including cone and tapered roller assemblies

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