

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

Status Report by the United States

The following communication, dated 14 September 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 – Measures Relating to Zeroing and Sunset Reviews
(WT/DS322)

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 23 January 2007, the Dispute Settlement Body ("DSB") adopted its recommendations and rulings in *United States – Measures Relating to Zeroing and Sunset Reviews* (WT/DS322). At the following DSB meeting, on 20 February 2007, 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 Japan subsequently agreed that the reasonable period of time for the United States to implement the recommendations and rulings of the DSB would end on 24 December 2007.

On 6 March 2006, the US Department of Commerce published a notice requesting comments on its intention to no longer perform average-to-average comparisons in anti-dumping investigations without offsets. On 26 January 2007, the Department published a notice that the date after which it would no longer perform such comparisons would be 22 February 2007. Accordingly, as of 22 February 2007, the United States is no longer performing average-to-average comparisons in antidumping investigations without offsets.

With respect to the one investigation that Japan challenged "as applied," the United States issued a revised determination in connection with that investigation on 21 December 2007. On 20 May 2008, the Department published a notice of implementation of the revised determination, in which it calculated the anti-dumping duty margins with offsets.

On 31 August 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 Japan. The United States will continue to consult with interested parties in order to address the findings contained in these reports.
