

# WORLD TRADE ORGANIZATION

WT/DS217/43  
7 December 2004

(04-5394)

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Original: Spanish

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

### Recourse by Chile to Article 22.7 of the DSU

The following communication, dated 6 December 2004, from the delegation of Chile to the Chairperson of the Dispute Settlement Body, is circulated pursuant to Article 22.7 of the DSU.

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On 15 January 2004, Chile requested authorization from the Dispute Settlement Body (DSB) to suspend the application to the United States of concessions or other obligations in view of the United States' refusal to bring into conformity with the WTO agreements the measure found to be inconsistent in the dispute *United States – Continued Dumping and Subsidy Offset Act of 2000* (CDSOA) (WT/DS217/21). In response to the United States' objection to the level of suspension (WT/DS217/27), the DSB, on 26 January 2004, agreed to refer the matter to arbitration in accordance with Article 22.6 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU).

The Decision by the Arbitrator (WT/DS217/ARB/CHL) was circulated on 31 August 2004. In that Decision, the Arbitrator confirmed that the level of nullification or impairment suffered by Chile as a result of the CDSOA in a year was equal to the total of disbursements made to affected United States producers for the preceding year relating to anti-dumping or countervailing duties paid on imports from Chile, multiplied by the coefficient 0.72.

Since the United States has not to date implemented the recommendations and rulings of the DSB with respect to the CDSOA, Chile requests, pursuant to Article 22.7 of the DSU, authorization to suspend the application to the United States of concessions or other obligations in the form of the imposition of an additional tariff on products originating in the United States covering, on a yearly basis, a total value of trade not exceeding, in US dollars, the amount of disbursements under the CDSOA for the most recent year for which data are available relating to anti-dumping or countervailing duties paid on imports from Chile at that time, as published by the United States authorities, multiplied by 0.72.

Each year, under the Award of the Arbitrator, Chile will notify to the DSB the products subject to the additional tariff and the rate of the additional tariff.

I would be grateful if you could include this request as an agenda item at the next DSB meeting on 17 December 2004.

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