WORLD TRADE ORGANIZATION

RESTRICTED

WT/DSB/M/211/Corr.1[1]
15 June 2006

(06-2888)

Dispute Settlement Body
9 May 2006

MINUTES OF MEETING

Held in the Centre William Rappard
on 9 May 2006

Chairman: Mr. Muhamad Noor Yacob (Malaysia)

Corrigendum

Item 3(a), paragraph 53 should read as follows:

"The representative of Argentina said that his country had participated in this dispute as a third party given the systemic importance of the matters brought before the Panel and the Appellate Body. In particular, Argentina welcomed the finding of the Appellate Body that the "zeroing" methodology used for the administrative reviews carried out by the US Department of Commerce was inconsistent with Article 9.3 of the Anti-Dumping Agreement and with Article VI:2 of the GATT 1994. Argentina likewise underscored the fact that the Appellate Body had reversed and declared moot the Panel's finding (*declarado abstracta la constatación*) that the application of that methodology to the administrative reviews in question was not inconsistent with the first sentence of Article 2.4, which established the obligation of "fair comparison" between the export price and normal value. Argentina nevertheless regretted that the Appellate Body had not ruled on this matter as it believed it would have been useful for all Members. Argentina was also pleased that the Appellate Body had upheld the Panel's finding that the "zeroing" methodology was a measure that could be challenged, as such, in WTO dispute settlement and was inconsistent with the rules of the Anti-Dumping Agreement. This finding was of great utility and value to the multilateral system, as another kind of solution might have prompted a great many complaints by various affected Members. Argentina trusted that the implementation of the recommendations and findings of the DSB in this case would mean a general change in the methodology for comparing the export price and normal value used by the United States in all its future anti-dumping investigations."

[1] In English only.