WORLD TRADE ORGANIZATION

RESTRICTED

WT/DSB/M/185
15 March 2005

(05-1056)

Dispute Settlement Body
28 February 2005

MINUTES OF MEETING

Held in the Centre William Rappard
on 28 February 2005

Chairman: Mr. Eirik Glenne (Norway)

1. United States – Measures relating to zeroing and sunset reviews

(a) Request for the establishment of a panel by Japan (WT/DS322/8)

1. The Chairman recalled that the DSB had considered this matter at its meeting on 17 February 2005 and had agreed to revert to it. At the present meeting, he drew attention to the communication from Japan contained in document WT/DS322/8 and invited the representative of Japan to speak.

2. The representative of Japan recalled that, as his delegation had stated at the 17 February DSB meeting, Japan had a serious concern over the way in which the United States had taken its anti-dumping measures. More specifically, Japan believed that the zeroing methodology that the United States used for calculating dumping margins as well as the US incorporation of the result of such calculation using zeroing in its anti-dumping procedures were inconsistent with the WTO Agreement. Accordingly, Japan, once again, requested that the DSB establish a panel to examine the issues raised in its panel request, with standard terms of reference. Since Japan's panel request was on the agenda for the second time, Japan understood that a panel would be established at the present meeting, pursuant to Article 6.1 of the DSU.

3. The representative of the United States said that her country reiterated its regret that Japan had requested a panel on this matter. The United States did not wish to repeat all the points that it had made when the DSB had considered Japan's panel request for the first time. However, the United States wished to emphasize again that it intended to defend its position vigorously.

4. The DSB took note of the statements and agreed to establish a panel in accordance with the provisions of Article 6 of the DSU with standard terms of reference.

5. The representatives of the EC, India, Korea, Mexico and Hong Kong, China reserved their third-party rights to participate in the Panel's proceedings.