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

COMMUNICATION FROM JAPAN

The following communication, dated 30 September 2021, was received from the delegation of Japan with the request that it be circulated to the Dispute Settlement Body (DSB).

On 26 November, 2004 the Dispute Settlement Body ("DSB") granted authorisation to Japan to suspend concessions and related obligations under the General Agreement on 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 authorisation 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 of 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). Japan was extending the suspension of concessions for the second year starting from 1 September, 2006 (WT/DS217/50), the third year starting from 1 September, 2007 (WT/DS217/52), the fourth year starting from 1 September, 2008 (WT/DS217/54), the fifth year starting from 1 September, 2009 (WT/DS217/56), the sixth year starting from 1 September 2010 (WT/DS217/58), the seventh year starting from 1 September, 2011 (WT/DS217/60), the eighth year starting from 1 September, 2012 (WT/DS217/62), and the ninth year starting from 1 September, 2013 (WT/DS217/64). Japan notified that no suspension of concessions or other obligations in the form of the imposition of additional import duties would be applied by Japan for the tenth year (WT/DS217/66), the eleventh year (WT/DS217/68), the twelfth year (WT/DS217/70), the thirteenth year (WT/DS217/72), the fourteenth year (WT/DS217/74), the fifteenth year (WT/DS217/76), and the sixteenth year (WT/DS217/78), while Japan would retain its rights under Article 22.7 of the DSU as long as an undisbursed amount remains and the United States executes another round of disbursements to its domestic companies under the Continued Dumping and Subsidy Offset Act of 2000 (CDSOA).

Japan acknowledges the disbursements to US companies which were identified in the CDSOA Annual Report for Fiscal Year 2020, published by US Customs and Border Protection (CBP). However, considering the marginal amount of disbursement, Japan continues its non-application of the suspension of concessions or other obligations in the form of the imposition of additional duties. For the reason explained above with regard to the possibility of execution by the United States of another round of disbursements to its domestic companies under the CDSOA, Japan retains its rights under Article 22.7 of the DSU. Further, Japan's decision not to suspend concessions and related obligations does not mean in any sense that Japan accepts the contention of the United States that its measure found to be inconsistent with the covered agreements has been removed within the meaning of Article 22.8 of the DSU.
