

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

Communication from the European Union

The following communication, dated 7 May 2012, from the delegation of the European Union to the Chairperson of the Dispute Settlement Body, is circulated at the request of that delegation.

On 26 November 2004, the Dispute Settlement Body ("DSB") granted authorization to the European Communities to suspend concessions and related obligations under the General Agreement on Tariff and Trade 1994 ("GATT 1994") in accordance with the decision of the Arbitrator in *United States - Continued Dumping and Subsidies Offset Act of 2000*. The authorization was made pursuant to the European Communities request (WT/DS217/39) made under Article 22.7 of the Understanding on Rules and Procedures Governing the Settlement of Disputes ("DSU"). In that request, the European Communities undertook to notify the DSB every year the list of products on which the additional import duty would apply, prior to the entry into force of a level of suspension of concessions.

On 29 April 2005, the European Communities notified the DSB that it was suspending, as of 1 May 2005, the application of concessions and related obligations under GATT 1994 on imports of certain products originating in the United States of America (WT/DS217/47). The list of products subject to this suspension of concessions was modified on 1 May 2006 (WT/DS217/49), on 1 May 2007 (WT/DS217/51), on 1 May 2008 (WT/DS217/53), on 1 May 2009 (WT/DS217/55), on 1 May 2010 (WT/DS 217/57) on 1 May 2011 (WT/DS217/59). The relevant Commission Implementing Regulation (EU) No 308/2012 of 11 April 2012 (attached) maintains unchanged the list of products subject to retaliation. On the other hand, the rate of additional duty to which those products are subjected decreases from 15% to 6% in order to adjust to the level of retaliation.

The updated list is attached. The suspension, which applies as from 1 May 2012, covers, over one year, a total value of trade that does not exceed USD 3 241 000.

USD 3 241 000 is the European Union's current level of authorization established through arbitration under Article 22.6 of the DSU. It represents 72 *per cent* of 4 502 561 USD collected from the European Union' exports and disbursed to US companies in the distribution under the *Continued Dumping and Subsidy Offset Act of 2000* for the most recent year for which data are available. The amount of relevant disbursements was identified using the CDSOA Annual Report for Fiscal Year 2011, published by US Customs and Border Protection on 02/1/2012.¹

The European Union kindly requests that the Secretariat circulate this notification to the Members of the DSB.

¹http://www.cbp.gov/linkhandler/cgov/trade/priority_trade/add_cvd/cont_dump/cdsoa_11/2011_annual_report/2011_disbursement.ctt/2011_disbursement.pdf

**Products that would be subject to a 6% additional import duty
as from 1 May 2012**

The products on which the 15% additional import duty would apply are those classified under the listed eight-digit CN codes, as provided in annex I to Council Regulation (EEC) No. 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff as amended by Commission Regulation (EC) No 493/2005 (OJ L 82, 31.3.2005, p. 1). The product descriptions hereunder are given for information purpose only.

Subject to the 6% additional import duty since 1 May 2005	CN codes	Description of products
	0710 40 00	Sweet corn, uncooked or cooked by steaming or by boiling in water, frozen
	9003 19 30	Frames and mountings for spectacles, goggles or the like, of base metal
	8705 10 00	Crane lorries (excl. breakdown lorries)
