

Original: English

UNITED STATES – ANTI-DUMPING ACT OF 1916

Request for Consultations by Japan

The following communication, dated 10 February 1999, from the Permanent Mission of Japan to the Permanent Mission of the United States and the Chairman of the Dispute Settlement Body, is circulated in accordance with Article 4.4 of the DSU.

Upon instructions from my authorities, I hereby wish to convey the request of the Government of Japan for consultations with the Government of the United States of America pursuant to Article 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU), Article XXII:1 of the General Agreement on Tariffs and Trade 1994 (GATT 1994) and Article 17.2 of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 (Anti-Dumping Agreement) regarding the United States Anti-Dumping Act of 1916, 15 U.S.C.72 (1994) (originally enacted as part of the Act of September 8, 1916, Pub. L. No. 64-271, 39 Stat. 756) (US 1916 Act).

The US 1916 Act stipulates to the effect that the importation or sales of imported goods within the US market in certain circumstances shall be unlawful, constituting a criminal offence, as well as being subject to a civil lawsuit. Judicial decisions under the US 1916 Act are made without the procedural safeguards provided for in the Anti-Dumping Agreement. It should be noted that a court action was brought and is presently underway under the US 1916 Act against the affiliates of Japanese companies.

The Government of Japan is concerned about the consistency of the US 1916 Act with the WTO Agreement, including Articles III, VI and XI of the GATT 1994 and the Anti-Dumping Agreement.

The Government of Japan reserves the right to raise additional claims on legal issues and any other matters regarding the US 1916 Act during the course of the consultations.

We look forward to receiving your reply to this request for consultations and to fixing a mutually acceptable date for the consultations.
