

Table 8: Japan and PRC Use of GATT and WTO Dispute Settlement to Challenge the United States, 1955–2009^a

No.	Product/Policy-Complainant(s) and Issue	Year
1.	Countervailing duty calculation (“Zenith Case”) ^{b,c} —Japan alleged as GATT-inconsistent the US procedure for calculating subsidies during countervailing duty investigations in a way that penalizes trading partner exemption of exporters from indirect taxes (e.g., VAT schemes)	1977
2.	Semiconductor retaliation ^a —Japan alleged that the US violated GATT obligations by unilaterally raising tariffs against Japan’s exports in a disagreement over whether Japan was abiding by the 1986 bilateral semiconductor agreement	1987
3.	Section 301 import duties on autos —Japan alleged as WTO-inconsistent the proposed US retaliation during the US Section 301 investigation of Japan’s market access for foreign auto parts	1995
4.	Government procurement —Japan and EC alleged as a WTO violation of the Government Procurement Act the Massachusetts “Burma Act” legislation banning the state government from purchasing from persons who do business with Burma	1997
5.	AD Act of 1916 —Japan and the EC alleged that the US Antidumping Act of 1916 was WTO-inconsistent as it allowed for imposition of penalties beyond the imposition of duties allowed by the Agreement on Antidumping and thus had a “chilling effect” on exporters	1999
6.	AD on hot-rolled steel —Japan alleged that the US violated obligations by imposing WTO-inconsistent antidumping duties on hot rolled steel products	1999
7.	Byrd Amendment —Japan, the EC, and nine other countries alleged the US “Continued Dumping and Subsidy Offset Act of 2000” policy of refunding to domestic petitioners the collected foreign duties after affirmative antidumping and countervailing duty investigations was a WTO-inconsistent subsidy	2000
8.	Sunset review of AD on steel —Japan alleged as WTO-inconsistent the US procedure for conducting a “sunset review” for removing antidumping duties on imports of corrosion-resistant steel	2002
9.	Steel safeguards —PRC, Japan, the EC, and six other countries alleged as WTO-inconsistent the 2002 US imposition of an import safeguard on a variety of steel products	2002
10.	Zeroing —Japan alleged as WTO-inconsistent the US procedure of using the method of “zeroing” (giving a value of zero for data on above normal-value sales instead of the positive value) in dumping margin calculations at various stages of the antidumping investigation and review process	2004
11.	Coated free sheet paper AD/CVD —PRC alleged as WTO-inconsistent the preliminary antidumping and countervailing duties the US imposed on imports	2007
12.	Certain products AD/CVD —PRC alleged as WTO-inconsistent US antidumping and countervailing duties imposed on imports of “Circular Welded Carbon Quality Steel Pipe,” “Certain New Pneumatic Off-the-Road Tires,” “Light-Walled Rectangular Pipe and Tube,” and “Laminated Woven Sacks.”	2008
13.	Chicken import ban —PRC alleged as a WTO-inconsistent standards (SPS) violation the US policy banning imports of poultry from the PRC	2009

AD = antidumping, CVD = countervailing duty investigations, EC = European Commission, GATT = General Agreement on Tariffs and Trade, PRC = People’s Republic of China, SPS = Agreement on the Application of Sanitary and Phytosanitary Measures, US = United States, VAT = value-added tax, WTO = World Trade Organization.

Notes:

^a WTO disputes initiated through 28 April 2009.

^b Dispute under the GATT; all other disputes took place under the WTO.

^c Not a formal Article XXIII dispute, but found in Hudec (1993).

Sources: Compiled by the authors from WTO (1995, 2009) and Hudec (1993).