

***UNITED STATES – ANTI-DUMPING MEASURE ON SHRIMP FROM ECUADOR***

**WT/DS335**

**OPENING STATEMENT OF THE UNITED STATES OF AMERICA**

**AT THE FIRST SUBSTANTIVE MEETING OF THE PANEL**

**November 3, 2006**

Mr. Chairman, members of the Panel:

1. On behalf of the United States delegation, I would like to thank you for agreeing to serve on this Panel. And, like Ecuador, I would like to thank you for acting so quickly in response to the Parties' joint request regarding working procedures and the timetable.
2. We will not offer a lengthy statement today. Because the United States and Ecuador do not disagree on the outcome, there is no need for such a statement. Instead, we, like Ecuador, stand ready to respond to the two questions you provided to us in advance of this meeting, as well as to any additional questions you may have.
3. We would like to say a few words, however, about the third party submissions. Third party submissions can be useful in helping a panel to fulfill the tasks assigned to it by the DSB. In this regard, the United States would like to thank Chile for its submission. While we do not agree with every word in Chile's submission, it nevertheless reflects a careful and thoughtful consideration of the issues.
4. However, third party submissions also can impede, rather than facilitate, a panel's work. Unfortunately, this is the case with the submission of the European Communities ("EC"), which raises matters that are extraneous to this Panel's work and which makes assertions that are false.

For example, the EC refers to certain alleged “as such” measures of the United States,<sup>1</sup> even though there are no “as such” claims within the Panel’s terms of reference. In a similar vein, the EC asserts that the United States has recognized “that zeroing is inconsistent with the *Anti-Dumping Agreement*”,<sup>2</sup> even though the EC knows full well that a panel recently agreed with the United States that “zeroing” is not always WTO-inconsistent.<sup>3</sup>

5. This concludes our opening statement. We look forward to your questions.

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<sup>1</sup> Third Party Written Submission by the European Communities, 30 October 2006, para. 10.

<sup>2</sup> Third Party Written Submission by the European Communities, 30 October 2006, para. 8.

<sup>3</sup> See Third Party Written Submission by the European Communities, 30 October 2006, note 6, referring to *United States – Measures Relating to Zeroing and Sunset Reviews*, in which the panel found, *inter alia*, that zeroing in administrative reviews is permissible. The panel report in that case is currently the subject of an appeal to the Appellate Body.