

JAPAN'S CLOSING STATEMENT

Mr. Chairman, Members of the Division, staff of the Secretariat, Japan would like to repeat its thanks to you for your efforts in this appeal. Japan will now be very brief. The evidence of record in this dispute supports the Panel's finding that the United States maintains a general rule in terms of which negative comparison results are excluded whenever the USDOC determines margins of dumping. The United States has failed to demonstrate that the Panel exceeded the bounds of its discretion in making this finding. The Appellate Body should, therefore, reject the United States' appeal.

The Appellate Body has already resolved the interpretative issues that underlie Japan's appeal. The United States simply repeats arguments that the Appellate Body has already dismissed in previous appeals. In the interests of the "security and predictability" that dispute settlement promotes, Japan urges the Appellate Body to reject, once again, the United States' arguments and to find, once again, that zeroing is WTO-inconsistent. The Appellate Body's rulings were correct the *first* time it ruled that zeroing was prohibited in *Bed Linen*; the Appellate Body was correct the *second* time it so ruled in the original proceedings in *Lumber*; and it was correct the *third* and *fourth* times it prohibited zeroing in *US – Zeroing (EC)* and *Lumber (Article 21.5)*. The Appellate Body will be correct by ruling in Japan's favor this fifth, and Japan hopes last, ruling that zeroing is prohibited.