

ANNEX B

EXECUTIVE SUMMARY OF VIET NAM'S SUBMISSION

WTO JURISPRUDENCE

1. Under Article 21.1 and 21.3(c) of the DSU implementation must be prompt. WTO jurisprudence has established that "prompt" mean the shortest time possible.
2. Only circumstances resulting from the legal system of the implementing Member and the complexity of the implementation are relevant.
3. There have been virtually no arbitral awards which exceed the 15 month guideline provided in Article 21.3(c).

IMPLEMENTATION IN DS429 IS NOT COMPLEX

1. Each of the steps required for implementation can be accomplished in a short period of time and none are complex.
2. Revisions in margins in all of the underlying proceedings can be done in 5 hours.
3. The existing record allows the U.S. to make new determinations with respect to both the individual respondent revocation and the sunset review with minimal need to supplement the existing record and a short period comments on the U.S. proposed determination.

LEGAL, PROCEDURAL AND TIME LIMITS CONSTRAINTS ON IMPLEMENTATION DO NOT EXIST UNDER U.S. LAW

1. Neither of the proposed mechanisms for implementation, Sections 123 and 129, impose time constraints on implementation under these provisions of U.S. law.

PAST U.S. EXPERIENCE IN IMPLEMENTATION

1. Based on prior U.S. implementation in trade remedy WTO disputes, there is no precedent for the time proposed by the U.S. for implementation.

VIET NAM'S PROPOSAL FOR IMPLEMENTATION

1. Viet Nam's proposal for a six month RPT is consistent with WTO jurisprudence, the requirements of U.S. law, and the complexity, or lack thereof, of the actions required for implementation.