WORLD TRADE ORGANIZATION

RESTRICTED

WT/DSB/M/201
25 January 2006

(06-0353)

Dispute Settlement Body
6 December 2005

MINUTES OF MEETING

Held in the Centre William Rappard
on 6 December 2005

Chairman: Mr. Eirik Glenne (Norway)

Prior to the adoption of the agenda, the item concerning the Panel Report in the case on: "Mexico – Tax Measures on Soft Drinks and Other Beverages" (WT/DS308/R) was removed from the proposed agenda following Mexico's decision to appeal the Report.

1. United States – Laws, regulations and methodology for calculating dumping margins ("Zeroing")

(a) Joint request by the European Communities and the United States (WT/DS294/11)

1. The Chairman drew attention to the communication from the European Communities and the United States contained in document WT/DS294/11 and invited the representative of the European Communities to speak.

2. The representative of the European Communities said that the Panel had circulated its final Report in the dispute under consideration on 31 October 2005. He noted that the 60-day period within which the DSB shall adopt the Panel Report unless there was consensus against adoption or appeal would expire on 30 December 2005, in accordance with Article 16.4 of the DSU. In order to take account of the end of year period, and to avoid inconveniencing any appeal procedure, the EC and the United States had agreed that the time-period for adoption of the Panel Report should be extended to 31 January 2006. He said that the draft decision submitted at the present meeting for adoption (WT/DS294/11) endorsed that agreement. The extension had been agreed on the understanding that the rights of the European Communities and the United States with respect to adoption or appeal of the Panel Report would be preserved, as if such adoption or appeal had been requested within the 60 days specified in Article 16.4 of the DSU. This was without prejudice to the question of whether these rights would not be preserved without such extension. The EC would be grateful if the DSB could accede to the joint request to agree to the extension of the 60-day time period.

3. The representative of the United States said that his country joined the EC in asking that the DSB agree to provide additional time for adoption of the Panel Report in the dispute under consideration by adopting the draft decision set forth in document WT/DS294/11, which was the document that was before the DSB at the present meeting, and which expressed the agreement between the United States and the EC on this matter. The draft decision would provide for adoption by negative consensus by no later than 31 January 2006. Such additional time would provide greater flexibility in scheduling given the many demands on delegations, as well as the Appellate Body and its staff, during the year-end period. The United States appreciated the support of all the Members of the DSB in this regard.

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4. The DSB took note of the statements made.

5. The Chairman proposed that: "The DSB agree that, upon a request by the European Communities or the United States, the DSB shall no later than 31 January 2006, adopt the Report of the Panel in the dispute: *United States – Laws, Regulations and Methodology for Calculating Dumping Margins ('Zeroing')* contained in document WT/DS294/R unless (i) the DSB decides by consensus not to do so or (ii) the European Communities or the United States notifies the DSB of its decision to appeal pursuant to Article 16.4 of the DSU".

6. The DSB so agreed.