WORLD TRADE ORGANIZATION

RESTRICTED

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7 June 2001

(01-2806)

Dispute Settlement Body
26 April 2001

MINUTES OF MEETING

Held in the Centre William Rappard
on 26 April 2001

Chairman: Mr. R. Farrell (New Zealand)

Prior to the adoption of the agenda, the item concerning the adoption of the Panel Report on "United States – Anti-Dumping Measures on Certain Hot-Rolled Steel Products from Japan" was removed from the agenda following the US decision to appeal the Report.

1. Thailand – Anti-dumping duties on angles, shapes and sections of iron or non-alloy steel and H-beams from Poland

(a) Implementation of the recommendations of the DSB

1. The Chairman recalled that in accordance with the DSU provisions, the DSB was required to keep under surveillance the implementation of the recommendations and rulings of the DSB in order to ensure effective resolution of disputes to the benefit of all Members. In this respect, Article 21.3 of the DSU provided that the Member concerned shall inform the DSB, within 30 days after the date of adoption of the panel or Appellate Body report, of its intentions in respect of implementation of the recommendations and rulings of the DSB. He recalled that at its meeting on 5 April 2001, the DSB had adopted the Appellate Body Report in the case on "Thailand – Anti-Dumping Duties on Angles, Shapes and Sections of Iron or Non-Alloy Steel and H-Beams from Poland" together with the Panel Report pertaining to the same matter, as modified by the Appellate Body Report. He invited Thailand to inform the DSB of its intentions in respect of implementation of the DSB's recommendations.

2. The representative of Thailand said that, pursuant to Article 21.3 of the DSU, his country wished to inform the DSB of its intentions in respect of implementation of the DSB's recommendations in this case. He said that Thailand had already initiated a process of identifying the most suitable way to implement the DSB's recommendations. However, in order to be in a position to comply in this case, his country would require a reasonable period of time as provided for under Article 21.3 of the DSU. Consultations were currently held with Poland on this matter with a view to arriving at a mutually agreed solution.

3. The representative of Poland said that, at the 5 April DSB meeting, his country had expressed its position on the Panel and the Appellate Body Reports. At the present meeting, his delegation wished to focus on some specific aspects directly related to the implementation of the DSB's recommendations. In Poland's view, there could be no other option with regard to the implementation of the DSB's recommendations in this case than to promptly revoke and repair flawed measures. Thus Poland expected that Thailand would promptly revoke the duties in force thereby implementing the DSB's recommendations and rulings. His country believed that Thailand could complete all the necessary procedures within a short period of time. In the absence of a definitive revocation of

measures within a period of time to be agreed by the parties, Poland would be forced to seek recourse to Article 21.5 of the DSU.

4. Poland noted the statement made by Thailand on its intentions with regard to the implementation in this case. He underlined that Thailand's implementation would be assessed by Poland in the strict context of the main objective, namely, a definitive elimination of the measures. Poland looked forward to details regarding Thailand's implementation plan and noted the statement made by Thailand concerning a reasonable period of time for compliance. In this regard, Poland wished to indicate its readiness to enter into consultations with Thailand on the duration of the time period in which it intended to implement the DSB's recommendations and rulings. Poland was prepared to work immediately and constructively with Thailand on the substance and the timing for implementation. Poland believed that the clarification of its position at the present meeting could avert problems and misunderstandings and looked forward to a prompt resolution of this dispute.

5. The DSB took note of the statements and of the information provided by Thailand regarding its intentions in respect of implementation of the DSB's recommendations.