

Dispute Settlement Body
5 December 2002

MINUTES OF MEETING

Held in the Centre William Rappard
on 5 December 2002

Chairman: Mr. Carlos Pérez del Castillo (Uruguay)

1. United States – Anti-dumping measures on certain hot-rolled steel products from Japan

(a) Request for modification of the reasonable period of time (WT/DS184/16)

1. The Chairman drew attention to the communication from the United States contained in document WT/DS184/16.

2. The representative of the United States recalled that at the 28 November DSB meeting, the United States had reported that it had issued a new final determination in the hot-rolled steel anti-dumping duty investigation. That new final determination had implemented the DSB's recommendations and rulings with respect to the calculation of anti-dumping margins in that investigation. However, that final determination did not address all of the DSB's recommendations and rulings. Therefore, after consultations with Japan, the United States was requesting that the reasonable period of time for implementation of the DSB's recommendations and rulings in this dispute be modified so as to expire on 31 December 2003, or on the date on which the first session of the next US Congress were to adjourn, whichever would be earlier. The United States believed that such an extension of time would promote a principal aim of the dispute settlement system, which was to provide mutually satisfactory solutions to disputes. The United States intended to continue discussions with Japan on implementation of the DSB's recommendations and rulings. At the present meeting, the United States was asking the DSB to approve the request contained in document WT/DS184/16.

3. The representative of Japan said that her country was greatly disappointed and regretted that the United States had not implemented the DSB's recommendations and rulings within the reasonable period of time. Repeated non-compliance by the United States undermined the credibility not only of the United States, but also of the dispute settlement system and of the WTO as a whole. As stated at the previous DSB meeting, Japan and the United States had held some consultations. Based on these consultations, Japan did not object to the modification of the reasonable period of time for implementation proposed by the United States. Japan expected the United States to do its utmost for earliest compliance and to closely consult with Japan on the status and contents of implementation. The DSU stipulated that the dispute settlement system of the WTO was a central element in providing security and predictability to the multilateral trading system (Article 3.2 of the DSU), and that prompt compliance with the DSB's recommendations or rulings was essential in order to ensure effective resolution of the disputes to the benefit of all Members (Article 21.1 of the DSU). It was, therefore, extremely unfortunate that Japan had to remind the United States of such fundamental principles. Japan strongly urged the United States to implement the DSB's recommendations and rulings as soon as possible.

4. The DSB took note of the statements and agreed to the request of the United States contained in document WT/DS184/16.
