

**EUROPEAN COMMUNITIES – DEFINITIVE ANTI-DUMPING MEASURES
ON CERTAIN IRON OR STEEL FASTENERS FROM CHINA**

Communication from China and the European Union¹ concerning
Article 21.3(b) and 21.3(c) of the DSU

The following communication, dated 12 September 2011, from the delegation of China and the delegation of the European Union to the Chairperson of the Dispute Settlement Body, is circulated at the request of these delegations.

On 28 July 2011, the Dispute Settlement Body ("DSB") adopted its recommendations and rulings in the dispute *European Communities – Definitive Anti-Dumping Measures on Certain Iron or Steel Fasteners from China* (WT/DS397). In its communication of 18 August 2011 (WT/DS397), the European Union notified the DSB that it intends to implement the recommendations and rulings of the DSB in this dispute in a manner that respects its WTO obligations. The European Union also stated that it would need a reasonable period of time for implementation. The European Union subsequently recalled this notification at the meeting of the DSB held on 2 September 2011.

Article 21.3(c) of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* ("DSU") provides that, in the absence of an agreement between the parties on a period of time, the reasonable period of time shall be determined "through binding arbitration within 90 days after the date of adoption of the recommendations and rulings".

In order to allow sufficient time for the parties to discuss a mutually agreed period, China and the European Union (i) agree that, in the event an arbitration under Article 21.3(c) of the DSU is requested, it shall be completed no later than 60 days after the date of the appointment of an arbitrator, unless the arbitrator, following consultation with the parties, considers that additional time is required and (ii) hereby confirm that any award of the arbitrator (including an award not made within 90 days after the date of adoption of the DSB recommendations and rulings) shall be deemed to be an award of the arbitrator for the purposes of Article 21.3(c) of the DSU in determining the reasonable period of time for the European Union to implement the recommendations and rulings of the DSB.

¹ On 1 December 2009, the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community (done at Lisbon, 13 December 2007) entered into force. On 29 November 2009, the WTO received a Verbal Note (WT/L/779) from the Council of the European Union and the Commission of the European Communities stating that, by virtue of the Treaty of Lisbon, as of 1 December 2009, the European Union replaces and succeeds the European Community.

We request that you circulate this notification to the Members of the DSB.

For the People's Republic of China

For the European Union

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