

**THAILAND – ANTI-DUMPING DUTIES ON ANGLES,
SHAPES AND SECTIONS OF IRON OR NON-ALLOY
STEEL AND H-BEAMS FROM POLAND**

Understanding between Thailand and Poland
Regarding Procedures under Articles 21 and 22 of the DSU

The following communication, dated 18 December 2001, from the Permanent Mission of Thailand and the Permanent Mission of Poland to the Chairman of the Dispute Settlement Body, is circulated at the request of these delegations.

We hereby have the pleasure to inform you that on 18 December 2001, the Republic of Poland and the Kingdom of Thailand concluded an agreement concerning procedures under Articles 21 and 22 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU) in the follow-up to the dispute "Thailand – Anti-Dumping Duties on Angles, Shapes and Sections of Iron or Non-Alloy Steel from Poland" (WT/DS122).

The Agreed Procedures are enclosed herewith.

**Agreed Procedures
under Articles 21 and 22 of the
Understanding on Rules and Procedures
Governing the Settlement of Disputes (DSU)**

With regard to possible proceedings pursuant to Articles 21 and 22 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU) in the follow-up to the dispute *Thailand – Anti-Dumping Duties on Angles, Shapes and Sections of Iron or Non-Alloy Steel and H-Beams From Poland* (WT/DS122/R), the Government of the Republic of Poland and the Royal Thai Government ("the Parties") have agreed as follows:

1. The Parties agree to hold consultations before the next regular DSB meeting scheduled for 18 December 2001 to discuss implementation of the recommendations and rulings of the DSB by Thailand. Poland will not at this stage initiate proceedings under Article 21.5 or Article 22 of the DSU.
2. If Poland at any date hereafter decides that it may wish to initiate proceedings under Articles 21.5 and Article 22 of the DSU, Poland shall initiate proceedings under Article 21.5 prior to any proceedings under Article 22. Poland shall provide Thailand advance notice of any proposal to initiate proceedings under Article 21.5 and shall consult with Thailand before requesting the establishment of a panel under Article 21.5. Such consultations will take place at least 14 days before requesting the establishment of a panel under Article 21.5. Either Poland and Thailand may appeal the report of the panel established under Article 21.5; and Article 16.4 of the DSU, which provides in part that the DSB shall not consider the report of that panel for adoption until after the completion of the appeal, shall apply.
3. After the adoption of the Article 21.5 panel report and, if either party appeals it, the Appellate Body report, and in any case no later than 30 days after the date of adoption of such reports, Poland may request authorization to suspend concessions or other obligations under Article 22 of the DSU, and Thailand will not assert that Poland is precluded from obtaining DSB authorization because Poland's request was made outside the 30 day time-period specified in the first sentence of Article 22.6 of the DSU. This is without prejudice of Thailand's rights to have the matter referred to arbitration in accordance with the same Article.

Geneva, 18 December 2001

(s.) Tomasz Jodko
Minister Plenipotentiary
Permanent Representative of
Poland to the WTO

(s.) Apiradi Tantraporn
Ambassador
Permanent Representative of the
Kingdom of Thailand to the WTO