

**Dispute Settlement Body
8 July 2002**

MINUTES OF MEETING

Held in the Centre William Rappard
on 8 July 2002

Chairman: Mr. Carlos Pérez del Castillo (Uruguay)

1. United States – Definitive safeguard measures on imports of certain steel products

(a) Request for the establishment of a panel by New Zealand (WT/DS258/9)

1. The Chairman drew attention to the communication from New Zealand contained in document WT/DS258/9.

2. The representative of New Zealand recalled that on 5 March 2002 the United States had imposed safeguard measures on certain steel imports, in the form of increases in duties and in the form of a tariff rate quota on slabs. Over recent months, New Zealand had on a number of occasions taken the opportunity to outline to the United States its concerns about the GATT/WTO inconsistency of its measures. Most recently, the consultations had been held on 13 June 2002 and New Zealand and the United States had since jointly considered that these consultations had failed to resolve the dispute. As stated in document WT/DS258/9, New Zealand considered that the US measures were inconsistent with the obligations of the United States related to safeguards under both the GATT 1994 and the Agreement on Safeguards. He did not wish, at this stage, to recite the full list of claims, which coincided in many respects with claims that other Members had brought before the DSB in recent weeks. He wished to simply request that the DSB take the requisite action at the present meeting to establish a panel on this matter. Finally, he wished to express his appreciation for the cooperation that was being shown by all Members concerned in this matter to facilitate the consideration of this complaint along with those of other Members through a single panel process under Article 9.1 of the DSU.

3. The representative of the United States said that it was regrettable that New Zealand had chosen to challenge the US safeguard measures. As his delegation had stated previously, these measures were fully consistent with the applicable portions of the Safeguards Agreement and the GATT 1994, and the United States trusted that the dispute settlement process would ultimately reach the same conclusion. Based on its discussions with New Zealand, the United States did not oppose the establishment of a panel at the present meeting. Consistent with Article 9.1 of the DSU, the United States believed that this request should be referred to the single Panel already established at the request of the EC, Japan, Korea, China, Norway and Switzerland so that a single panel would consider all seven panel requests.

4. The representative of the European Communities said that the EC welcomed the establishment of a panel against the US steel safeguards following the first request presented by New Zealand and the application of Article 9.1 of the DSU. Thus, the single Panel established in the cases brought by the EC, Japan, Korea, China, Switzerland and Norway would also consider the

complaint by New Zealand, which became the seventh Member to launch a case against the US steel safeguards. The EC also recalled that Brazil had held consultations under the DSU on the same matter and on the basis of similar claims on 13 June 2002. The EC expressed its expectations that all the DSU procedures in relation to the steel case, including the one launched by Brazil, would proceed expeditiously.

5. The representative of Japan said that her country also welcomed the establishment of a panel requested by New Zealand upon the first consideration by the DSB and agreed to the establishment of a single panel in these proceedings.

6. The representative of Korea said that his country welcomed the establishment of a panel requested by New Zealand and the fact that New Zealand would join the proceedings of the single Panel to which Korea was a party.

7. The DSB took note of the statements and agreed that the request by New Zealand for the establishment of a panel with standard terms of reference is accepted. The DSB further agreed that, as provided for in Article 9.1 of the DSU in respect of multiple complainants, the Panel established at the 3 June DSB meeting to examine the complaint by the European Communities contained in WT/DS248/12, which pursuant to the DSB's decisions on 14 and 24 June 2002 was also requested to examine the complaint by Japan contained in WT/DS249/6, the complaint by Korea contained in WT/DS251/7, the complaint by China contained in WT/DS252/5, the complaint by Switzerland contained in WT/DS253/5 and the complaint by Norway contained in WT/DS254/5, would also examine the complaint by New Zealand contained in WT/DS258/9.

8. The Chairman said that since a single Panel had been established those delegations who had reserved their third-party rights to participate in the proceedings of the Panel established at the 3 June and then subsequently on 14 and 24 June 2002 DSB meetings shall be considered as third parties in the Panel established at the present meeting.

9. The DSB took note of the statement.
