

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

Status Report by Thailand

The following communication, dated 6 December 2001, from the Permanent Mission of Thailand to the Chairman of the Dispute Settlement Body, is circulated pursuant to Article 21.6 of the DSU.

Status Report on the Implementation of the Recommendations and Rulings
in the Dispute "Thailand – Anti-Dumping Duties on Angles, Shapes and
Sections of Iron or Non-Alloy Steel and H-Beams from Poland" (WT/DS122)

On 5 April 2001, the Dispute Settlement Body (DSB) adopted¹ the Appellate Body Report and the Panel Report, as modified by the Appellate Body Report, (the Reports) in the dispute *Thailand – Anti-Dumping Duties on Angles, Shapes and Sections of Iron or Non-Alloy Steel and H-Beams from Poland* (WT/DS122), recommending that the DSB request that Thailand bring its anti-dumping measure found in the Reports to be inconsistent with the Agreement on the Implementation of Article VI of the GATT 1994 (Anti-Dumping Agreement), into conformity with its obligations under that Agreement.

On 25 May 2001, Poland and Thailand mutually agreed,² pursuant to Article 21.3(b) of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU), on a reasonable period of time for Thailand to implement the recommendations and rulings in this dispute, expiring on 20 October 2001.

To implement the recommendations and rulings in this dispute, Thailand undertook a re-examination of those aspects of the injury determination found in the Panel Report to be inconsistent with the Anti-Dumping Agreement, in particular Articles 3.1, 3.2, 3.4 and 3.5 thereof. The re-examination was limited to the original investigation period (July 1995-June 1996) and was based, in light of the findings of the Appellate Body, on the entire record of the proceeding, i.e. both the non-confidential and confidential parts of the record.

On 21 August 2001, the Committee on Dumping and Subsidy (the Committee) approved the results of the re-examination of injury. A detailed report on the re-examination was subsequently issued to the Polish authorities, the Polish producer and the domestic industry on 27 August 2001. Opportunities were provided for interested parties to comment in writing and to request to be heard

¹ WT/DS122/7.

² WT/DS122/8.

orally. Upon request by the Polish authorities, a hearing was scheduled for 5 October 2001, but was subsequently cancelled by the Polish authorities.

As no comment was received from any interested party, on 9 October 2001, the Department of Foreign Trade (DFT) presented a report on the re-examination of injury to the Committee for approval. The Committee approved the report, determining that the anti-dumping measure is to be maintained. On 17 October 2001, the DFT issued the "Announcement of the Department of Foreign Trade Regarding the Results of the Anti-Dumping Investigation concerning H-Beam Steels originating from Poland (No. 3) of B.E. 2544 (2001 A.D.)", reconfirming that there has been material injury to the Thai domestic industry pursuant to Article 3 of the Anti-Dumping Agreement.

Thailand considers that it has fully implemented the recommendations and rulings in this dispute and that its anti-dumping measure found in the Reports to be inconsistent with the Anti-Dumping Agreement is in conformity with its obligations under that Agreement.
