

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

### Status Report by the European Union

The following communication, dated 12 July 2012, from the delegation of the European Union to the Chairperson of the Dispute Settlement Body, is circulated pursuant to Article 21.6 of the DSU.

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### Status Report Regarding Implementation of the DSB Recommendations and Rulings in the Dispute *European Communities – Definitive Anti-Dumping Measures on Certain Iron or Steel Fasteners from China* (WT/DS397)

The European Union submits this report in accordance with Article 21.6 of the Understanding on Rules and Procedures Governing the Settlement of Disputes ("DSU").

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, 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. On 19 January 2012 China and the European Union agreed that the reasonable period of time for the European Union to implement the recommendations and rulings of the DSB would expire on 12 October 2012.

Regarding the recommendations and rulings of the DSB relating to Article 9(5) "as such" of the Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community (OJ L 343, 22.12.2009, p. 51, the "Basic AD Regulation"), on 7 February 2012, the European Commission submitted to the European Parliament and to the Council of the European Union a proposal for the amendment of this provision necessary to implement those recommendations and rulings. The amendment was adopted by both the European Parliament and the Council of the European Union. The legislative procedure is expected to be concluded with the publication of the amendment in the Official Journal of the EU in early September 2012. The amendment will enter into force 3 days after publication.

Regarding the recommendations and rulings of the DSB relating to Council Regulation (EC) No 91/2009 of 26 January 2009 imposing a definitive anti-dumping duty on imports of certain iron or steel fasteners originating in the People's Republic of China (OJ L 29, 31.1.2009, p. 1), a review was initiated by the publication of a Notice in the Official Journal of the European Union on 6 March 2012

(the "Notice") (OJ C 66, 6.3.2012, p. 29). The parties were informed of the steps envisaged by the European Commission in order to implement those recommendations and rulings with regard to the following aspects of the original investigation: application of Article 9(5) of the basic AD Regulation in the original investigation, certain aspects of the dumping determination, the definition of the Union industry, the consideration of the volume of dumped imports, the causation analysis, the treatment of certain confidential information, as well as any other recommendations and rulings.

The relevant procedures on the basis of the Notice are on-going and are expected to be finalized in the near future.

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