

**EUROPEAN COMMUNITIES¹ – DEFINITIVE ANTI-DUMPING MEASURES
ON CERTAIN IRON OR STEEL FASTENERS FROM CHINA**

Joint Request by the European Union and China
for a Decision by the DSB

The following communication, dated 10 January 2011, from the delegation of the European Union and the delegation of China to the Chairman of the Dispute Settlement Body (DSB), is circulated at the request of those delegations.

The People's Republic of China and the European Union would like to request that the Dispute Settlement Body (DSB) adopt the enclosed draft decision with respect to the dispute *European Communities – Definitive Anti-Dumping Measures on Certain Iron or Steel Fasteners from China* (WT/DS397) at its meeting to be held on 25 January 2011. We consider that the decision would provide greater flexibility in scheduling given the heavy workload on the Appellate Body at this time. Attached to the letter you will also find the text of the procedural agreement between the parties to the dispute.

We would be grateful if you could circulate this request including its attachments to WTO Members.

Draft decision of the DSB

"The DSB agrees that, upon a request by the People's Republic of China or the European Union, the DSB shall no later than 25 March 2011, adopt the report of the panel in the dispute *European Communities – Definitive Anti-Dumping Measures on Certain Iron or Steel Fasteners from China* (WT/DS397/R) unless (i) the DSB decides by consensus not to do so or (ii) the People's Republic of China or the European Union notifies the DSB of its decision to appeal pursuant to Article 16.4 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes*."

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.

**Procedural Agreement between the People's Republic of China and the European Union
regarding the Time Period under Article 16.4 of the DSU**

1. In order to take into account the current workload of the Appellate Body, the above parties agree that the 60-day time period in Article 16.4 of *Understanding on Rules and Procedures Governing the Settlement of Disputes* (DSU), as applicable to the above dispute, will be extended to 25 March 2011, and that a decision of the Dispute Settlement Body (DSB) on this extension will be sought at the meeting of the DSB to be held on 25 January 2011.
2. The parties agree to this extension on the understanding that the rights of the parties to the dispute with respect to adoption or appeal of the panel report (WT/DS397/R) are preserved, as if such adoption or appeal had been requested within the 60-day time period specified in Article 16.4 of the DSU.
3. Neither party will file a notice of appeal of the panel report before 22 March 2011, provided the DSB decision set out in paragraph 1 is obtained.
4. Either party may present the report for adoption at the DSB meeting to be held on 25 March 2011, and such an action does not prejudice the right of this party to appeal or cross-appeal the report in accordance with the DSU. If for any reason neither party files a notice of appeal on or after 22 March 2011, the report shall be adopted at the DSB meeting to be held on 25 March 2011. If a meeting of the DSB is not scheduled on 25 March 2011, a special meeting of the DSB shall be held on 25 March 2011 upon the request of either party.

For the People's Republic of China

For the European Union

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