



13 March 2015

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**CHINA – MEASURES IMPOSING ANTI-DUMPING DUTIES ON
HIGH-PERFORMANCE STAINLESS STEEL SEAMLESS TUBES ("HP-SSST")
FROM JAPAN**

**JOINT REQUEST BY CHINA AND JAPAN
FOR A DECISION BY THE DSB**

The following communication, dated 12 March 2015, from the delegation of China and the delegation of Japan to the Chairperson of the Dispute Settlement Body (DSB), is circulated at the request of those delegations.

Taking into account the current workload of the Appellate Body, the People's Republic of China and Japan would like to request the Dispute Settlement Body (DSB) to adopt the draft decision attached to this letter with respect to the dispute *China — Measures Imposing Anti-Dumping Duties on High-Performance Stainless Steel Seamless Tubes ("HP-SSST") from Japan* (WT/DS454). We consider that the draft DSB decision, if adopted, would provide greater flexibility in scheduling any possible appeal of the panel report in this dispute, which was circulated to WTO Members on 13 February 2015. Attached to the letter you will also find the text of the confirmed procedures between the parties to the dispute.

We would be grateful if you could circulate this notification including its attachments to the Members of the DSB.

Draft Decision of the DSB

The DSB agrees that, upon a request by the People's Republic of China or Japan, the DSB shall no later than 20 May 2015 adopt the report of the panel in the dispute *China — Measures Imposing Anti-Dumping Duties on High-Performance Stainless Steel Seamless Tubes ("HP-SSST") from Japan* (WT/DS454) unless (i) the DSB decides by consensus not to do so or (ii) either party to the dispute 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*.

Confirmed Procedures between Japan and the People's Republic of China
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 have decided 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 20 May 2015, 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 March 2015.
2. The parties decide to seek this extension on the understanding that the rights of the parties to the dispute with respect to adoption or appeal of the panel report panel in the dispute *China — Measures Imposing Anti-Dumping Duties on High-Performance Stainless Steel Seamless Tubes ("HP-SSST") from Japan* (WT/DS454) 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 20 May 2015, provided the DSB decision set out in paragraph 1 is obtained.
4. If for any reason neither party files a notice of appeal and appellant submission on 20 May 2015, the report would be presented for adoption at the DSB meeting to be held on that date.

H.E. Mr Yu Jianhua
Ambassador
Permanent Mission of
the People's Republic of China

H.E. Mr Yoichi Otabe
Ambassador
Permanent Mission of Japan
