

WORLD TRADE ORGANIZATION

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UNITED STATES - DEFINITIVE SAFEGUARD MEASURES ON IMPORTS OF CERTAIN STEEL PRODUCTS

Procedural Agreement between the United States and
China, the European Communities, Japan, Korea, New Zealand, Norway and Switzerland

The following communication, dated 15 July 2002, from the Permanent Delegation of the European Commission to the Chairman of the Dispute Settlement Body, is circulated at the request of this delegation on behalf of all the signatories to this procedural agreement.

Outline of a Scheme to Allow Consideration of all Complaints by a Single Panel

The European Communities, Japan, Korea, China, Switzerland and Norway have requested the establishment of panels to examine their complaints against the U.S. definitive safeguard measures of 5 March on imports of certain steel products (DS248, DS249, DS251, DS252, DS253 and DS254).

New Zealand (DS258) has also initiated dispute settlement proceedings against the same measure but has not yet requested the establishment of a panel.

The European Communities, Japan, Korea, China, Switzerland, Norway, New Zealand and the United States (hereafter referred to as "the parties") have reached the following agreement:

Arrangements for the meetings of the DSB:

Following consultations held with New Zealand on 13 June, the United States and New Zealand jointly consider that consultations have failed to settle the dispute so that request for the establishment of a panel can be made before the expiry of 60 days from the date of the request for consultations. The United States will not oppose the acceptance of New Zealand's request for the establishment of a panel at the meeting of the DSB at which this request is considered for the first time (which will not be before 5 July);

Pursuant to DSU Article 9.1, all the complaints will be referred to a single Panel (that established on 3 June in the case DS248) by adapting the terms of reference for that panel to include all complaints.

The parties shall support reference of any further complaints concerning the same measure to the same single panel as long as it can be done by 15 July 2002.

Arrangements for the composition of the Panel:

In order to ensure that the views of all parties are taken into consideration for the selection of panelists (which has already started), the Secretariat will be requested to allow the full participation of all parties in the selection process, irrespective of the stage of the process;

The selection of the panelists will not be referred to the Director-General of the WTO before 15 July 2002.

Arrangements for the Panel proceeding:

The working procedures for the proceeding and its timetable are matters to be decided by the Panel itself after consultation of the parties. The parties will however request the Panel to agree to the following:

- The first written submissions of the complaining parties shall be submitted at the same time, five weeks after the composition of the panel;
- The United States shall be allowed five weeks for the submission of its first written submission;
- The parties shall be allowed at least four weeks for the simultaneous submission of their second written submissions after the first meeting with the Panel.

Miscellaneous:

The parties agree to continue to co-operate in all matters related to this agreement and not to raise any procedural objections to any of the steps set out in this agreement. If during the application of this agreement the parties consider that a procedural aspect has not been properly covered by this agreement, they will endeavour to find a solution within the shortest time possible that will not affect the other aspects and steps therein agreed.

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