



6 May 2013

(13-2386)

Page: 1/2

Original: English

UNITED STATES – FINAL ANTI-DUMPING MEASURES ON STAINLESS STEEL FROM MEXICO

RECOURSE TO ARTICLE 21.5 OF THE DSU BY MEXICO

REPORT OF THE PANEL

1.1. On 19 August 2009, Mexico requested consultations with the United States concerning the United States' alleged failure to comply with the recommendations and rulings of the Dispute Settlement Body ("DSB") in the dispute *United States – Final Anti-Dumping Measures on Stainless Steel from Mexico* (WT/DS344) (*US – Stainless Steel (Mexico)*).¹

1.2. On 8 September 2010, Mexico requested the establishment of a panel pursuant to Article 21.5 of the Understanding on Rules and Procedures Governing the Settlement of Disputes ("DSU") concerning the above-referenced issue.² At the 21 September 2010 meeting of the DSB, the DSB referred this dispute to the original panel, if possible, in accordance with Article 21.5 of the DSU, to examine the matter referred to the DSB by Mexico in document WT/DS344/20.³

1.3. The Panel's terms of reference are the following:

To examine, in the light of the relevant provisions of the covered agreements cited by the parties to the dispute, the matter referred to the DSB by Mexico in document WT/DS344/20 and to make such findings as will assist the DSB in making the recommendations or in giving the rulings provided for in those agreements.

1.4. Due to the unavailability of one of the original panel members, the parties agreed on a replacement panelist. The Panel was composed on 13 May 2011 as follows:

Chairperson: Mr Alberto Juan Dumont

Members: Ms Leora Blumberg
Mr Greg Weppner

1.5. Brazil, China, the European Union, Japan and Korea reserved their rights to participate in the Panel proceeding as third parties.

1.6. The Panel met with the parties on 4-5 October 2011. The Panel met with the third parties on 4 October 2011.

1.7. The Panel submitted its interim report to the parties on 23 January 2012. The Panel submitted its final report to the parties on 5 March 2012.

1.8. On 27 April 2012, the Panel received a letter from Mexico requesting that the Panel suspend its work in accordance with Article 12.12 of the DSU for a period of two weeks from 30 April 2012 until 14 May 2012. On 14 May 2012, the Panel received a letter from Mexico requesting that the Panel further suspend its work in accordance with Article 12.12 of the DSU until 31 May 2012. By a

¹ Mexico's request for consultations, WT/DS344/18, 29 August 2009.

² Mexico's request for the establishment of a panel, WT/DS344/20, 8 September 2010.

³ WT/DS344/21, 18 May 2011.

letter dated 31 May 2012, Mexico requested the Panel to suspend its work in accordance with Article 12.12 of the DSU until further notice.

1.9. On 8 April 2013, pursuant to Article 3.6 of the DSU, the parties notified the DSB of a mutually agreed solution to the matter under review by the Panel. The parties' notification was circulated as document WT/DS344/26 on 10 April 2013.

1.10. The Panel takes note of the mutually agreed solution between the parties and of Article 12.7 of the DSU, which provides in relevant part that "where a settlement of the matter among the parties to the dispute has been found, the report of the panel shall be confined to a brief description of the case and to reporting that a solution has been reached". Accordingly the Panel concludes its work by reporting that a mutually agreed solution to this dispute has been reached between the parties.
