



## WTO: 2011 NEWS ITEMS

7 February 2011

## DISPUTE SETTLEMENT



## WTO establishes single panel on Dominican safeguard measures

At its meeting on 7 February 2011, the Dispute Settlement Body (DSB) established a single panel to examine safeguard measures imposed by the Dominican Republic on imports of plastic bags and tubular fabric from Costa Rica, Guatemala, Honduras and El Salvador. In the dispute over US import measures on Chinese truck tyres and vehicles, and following a joint request from both parties, the DSB agreed to postpone the delay within which they could appeal the report to 24 May 2011.

### Panel establishment

**DS415-DS416-DS417-DS418:** Dominican Republic — Safeguard measures on imports of polypropylene bags and tubular fabric

A single Panel was established following Costa Rica, Guatemala, Honduras and El Salvador's second time request ([WT/DS415/7](#), [WT/DS416/7](#), [WT/DS417/7](#), [WT/DS418/7](#)) to review the safeguard measures imposed by the Dominican Republic on imports of plastic bags and tubular fabric.

All four complainants reiterated their statements made at the [last meeting of the DSB \(25 January 2011\)](#) which considered this issue for the first time.

They all asked the Panel to submit its report within the 6 month period as established by article 12.8 of the Dispute Settlement Understanding (DSU), given the urgency of the situation (editor's note: the Dominican safeguard measures have been applied for 18 months starting 18 October 2010 — see panel requests referred above).

The Dominican Republic said that one single round of negotiations would not enable parties to resolve all issues and objected to the establishment of a Panel.

Panama regretted that the Dominican Republic did not give a positive consideration to the concerns raised by the four complainants. Panama added that it joined consultations ([WT/DS415/2](#) – [WT/DS416/2](#) – [WT/DS417/2](#) – [WT/DS418/2](#)) having substantial commercial interests in this issue. Panama said that the products covered by the safeguard measures were important for its exporters. Panama said the Dominican safeguard measures did not apply to its products but this could change any time.

Panama, Columbia, Nicaragua, the EU, Turkey, China and the US reserved their third-party rights.

### Implementation

**DS399:** US — Measures Affecting Imports of Certain Passenger Vehicle and Light Truck Tyres from China

China and the US inscribed this item on the DSB's agenda. Taking into account the workload of the Appellate Body, China and the US jointly requested ([WT/DS399/5](#)) that the DSB adopt a draft decision to extend the 60-day time period to 24 May 2011.

Under Article 16.4 of the Dispute Settlement Understanding (DSU), the DSB has to adopt a panel report within a 60-day period unless it decides not to do so by consensus or unless the report is appealed.

The Panel report ([WT/DS399/R](#)) related to this dispute was circulated on 13 December 2010 and would have expired on 13 February 2011.

The US said that it was not joining this request out of any concerns with the Panel report and added that the report conclusions were well-founded. The US noted that it was the third decision the DSB had taken this year to delay possible appeals in three different disputes. The US said that the Appellate Body was currently working on two appeals, one of which was filed in July 2010. The US called for a swift resolution of these pending appeals which could help minimize delays and backlogs.

Following this joint request, the DSB agreed that it shall, no later than 24 May 2011, adopt the Panel report, unless the DSB decides by consensus not to do so or China or the US notifies the DSB of its decision to appeal following Article 16.4 of the DSU.

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The next meeting of the DSB will be held on 24 February 2011.

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