

**UNITED STATES – DEFINITIVE SAFEGUARD MEASURES
ON IMPORTS OF CERTAIN STEEL PRODUCTS**

Procedural Agreement between the United States and Brazil

The following communication, dated 18 July 2002, from the Permanent Mission of the United States to the Chairman of the Dispute Settlement Body, is circulated at the request of the United States on behalf of the United States and Brazil.

**Outline of a Scheme to Allow Consideration of Brazil's Complaint
by a Single Panel**

The European Communities, Japan, Korea, China, Switzerland, Norway, and New Zealand 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, DS254 and DS258).

Brazil (DS259) has also initiated dispute settlement proceedings against the same measure and held consultations with the United States on 13 June 2002.

Brazil and the United States have reached the following agreement:

Arrangements for the meetings of the DSB:

Following consultations held on 13 June, Brazil and the United States 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 Brazil'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 be on 29 July 2002);

Pursuant to DSU Article 9.1, Brazil and the United States agree that Brazil's complaint should be referred to the Panel established on 3 June in the case DS248 by adapting the terms of reference for that panel to include Brazil's complaint.

Arrangements for the composition of the Panel:

In order to ensure that the view of all parties to the dispute are taken into consideration for the selection of panelists, the Secretariat will be requested to allow the full participation of all parties in the ongoing selection process, irrespective of the stage of the process.

Arrangements for the Panel proceedings:

The working procedures for the proceeding and its timetable are matters to be decided by the Panel itself after consultation of the parties to the dispute. Brazil and the United States 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:

Brazil and the United States 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 Brazil and the United States 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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