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**CHINA – MEASURES IMPOSING ANTI-DUMPING DUTIES ON HIGH-PERFORMANCE
STAINLESS STEEL SEAMLESS TUBES ("HP-SSST") FROM JAPAN
(DS454)**

**CHINA – MEASURES IMPOSING ANTI-DUMPING DUTIES ON HIGH-PERFORMANCE
STAINLESS STEEL SEAMLESS TUBES ("HP-SSST") FROM THE EUROPEAN UNION
(DS460)**

COMMUNICATION FROM THE APPELLATE BODY

The following communication, dated 20 July 2015, from the Chair of the Appellate Body addressed to the Chair of the Dispute Settlement Body, is circulated to Members in accordance with Article 17.5 of the Understanding on Rules and Procedures Governing the Settlement of Disputes.

I am writing to you pursuant to Article 17.5 of the Understanding on Rules and Procedures Governing the Settlement of Disputes, which stipulates that, as a general rule, the Appellate Body will circulate its Report no later than 60 days after the appellant has formally notified the Dispute Settlement Body (DSB) of its decision to appeal. Article 17.5 states, furthermore, that when the Appellate Body considers that it cannot provide its Report within 60 days, it shall inform the DSB in writing of the reasons for the delay together with an estimate of the period within which it will submit its Report.

On 20 May 2015, Japan notified the DSB of its decision to appeal certain issues of law covered in the Panel Report and legal interpretations developed by the Panel in *China – Measures Imposing Anti-Dumping Duties on High-Performance Stainless Steel Seamless Tubes ("HP-SSST") from Japan* (WT/DS454/R). On the same day, China notified the DSB of its decision to appeal certain issues of law covered in the Panel Report and legal interpretations developed by the Panel in *China – Measures Imposing Anti-Dumping Duties on High-Performance Stainless Steel Seamless Tubes ("HP-SSST") from the European Union* (WT/DS460/R). Consequently, the 60-day period will expire on Sunday, 19 July 2015.

On 15 June 2015, we received a letter from Japan requesting the Appellate Body to provide the participants and the third participants with the reasons for the delay in the circulation of the Appellate Body reports in these proceedings together with an estimate of the period within which it will circulate its reports, including the reason for its decision to hold the oral hearing on 71 and 72 days after the initiation of these appeals. By letter dated 18 June, we informed the participants and third participants that we had carefully considered Japan's request and the comments received from China, the European Union, and India. We also indicated that, consistent with our well-established practice, we would inform the DSB of the reasons for the delay by letter within two months after the date of filing of these appeals, and that we would, at the same time, or as soon as possible thereafter, also provide an estimated date of circulation for the Appellate Body Reports in the above-referenced disputes.

The Appellate Body faces a substantial workload this year, with several appellate proceedings in parallel, often with overlap in the composition of the Divisions hearing the different appeals. Due to the number and complexity of the issues raised on appeal in DS454 and DS460 and parallel proceedings, and scheduling issues arising from the circumstances referred to above as well as shortage of staff in the Appellate Body Secretariat, the Appellate Body will not be able to circulate its

Reports by the end of the 60-day period, or within the 90-day timeframe provided for in the last sentence of Article 17.5 of the DSU.

Due to a pending request for a change in the working schedule in the parallel appellate proceedings in DS381, we are currently not in position to inform the DSB of the estimated date of circulation for the Appellate Body Reports in DS454 and DS460. We expect this issue to be resolved soon, and will then inform the DSB of the estimated date of circulation.
