

**EUROPEAN COMMUNITIES – REGIME FOR THE IMPORTATION, SALE AND  
DISTRIBUTION OF BANANAS**

**SECOND RECOURSE TO ARTICLE 21.5 OF THE DSU BY ECUADOR**

**EUROPEAN COMMUNITIES – REGIME FOR THE IMPORTATION, SALE AND  
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**RECOURSE TO ARTICLE 21.5 OF THE DSU BY THE UNITED STATES**

Communication from the Appellate Body

The following communication, dated 21 October 2008, from the Chairman of the Appellate Body addressed to the Chairman of the Dispute Settlement Body, is circulated in accordance with Article 17.5 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes*.

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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 (the "DSB") of its decision to appeal. Article 17.5 states, furthermore, that, when the Appellate Body considers 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.

The European Communities notified the DSB on Thursday, 28 August 2008 of its decision to appeal certain issues of law covered in the Panel Reports and legal interpretations developed by the Panel in these cases, with the result that the 60-day period expires on Monday, 27 October 2008. Due to the time required for completion and translation of the Report, the Appellate Body will not be able to circulate its Report by Monday, 27 October 2008. We estimate that the Appellate Body Report in these appeals will be circulated to WTO Members no later than Wednesday, 26 November 2008.

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