

**THAILAND – CUSTOMS AND FISCAL MEASURES ON CIGARETTES
FROM THE PHILIPPINES**

Joint Request by Thailand and the Philippines
for a Decision by the DSB

The following communication, dated 3 December 2010, from the delegation of Thailand and the delegation of the Philippines to the Chairman of the Dispute Settlement Body (DSB), is circulated at the request of those delegations.

Thailand and the Philippines would like to request that the Dispute Settlement Body (DSB) adopt the following draft decision with respect to the dispute *Thailand – Customs and Fiscal Measures on Cigarettes from the Philippines* (WT/DS371) at its meeting to be held on 17 December 2010.

Draft Decision of the DSB

"The DSB agrees that, upon a request by Thailand or the Philippines, the DSB shall no later than 24 February 2011, adopt the report of the panel in the dispute *Thailand – Customs and Fiscal Measures on Cigarettes from the Philippines* (WT/DS371/R) unless (i) the DSB decides by consensus not to do so or (ii) Thailand or the Philippines notifies the DSB of its decision to appeal pursuant to Article 16.4 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes*."

Attached to this letter you will find the text of the procedural agreement between the parties to the dispute.

We would be grateful if you could circulate this document to WTO Members.

Procedural Agreement between Thailand and the Philippines
regarding the Time Period under Article 16.4 of the DSU

1. In order to take into account the current workload of the Appellate Body, the above parties agree that the 60-day time period in Article 16.4 of *Understanding on Rules and Procedures Governing the Settlement of Disputes* (DSU), as applicable to the above dispute, will be extended to 24 February 2011, and that a decision of the Dispute Settlement Body (DSB) on this extension will be sought at the meeting of the DSB to be held on 17 December 2010.
2. The parties agree to this extension on the understanding that the rights of the parties to the dispute with respect to adoption or appeal of the panel report are preserved, as if such adoption or appeal had been requested within the 60-day time period specified in Article 16.4 of the DSU.
3. Thailand will file any notice of appeal of the panel report and appellant's submission in this dispute on 22 February 2011, provided the DSB decision set out in paragraph 1 is obtained.
4. If for any reason Thailand does not file a notice of appeal and appellant's submission on 22 February 2011, the report would be presented for adoption at the DSB meeting to be held on 24 February 2011.

H.E. Mr. Thawatchai Sophastienphong
Ambassador
Permanent Representative of Thailand

Mr. Jose Victor Chan-Gonzaga
Chargé d' Affaires, a.i
