



## ARGENTINA – MEASURES RELATING TO TRADE IN GOODS AND SERVICES

### COMMUNICATION FROM THE APPELLATE BODY

The following communication, dated 22 December 2015, from the Chair the Appellate Body to the Chair of the Dispute Settlement Body, is being circulated to Members.

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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 (DSU), 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.

Panama notified the DSB on 27 October 2015 of its decision to appeal certain issues of law covered in the Panel Report and legal interpretations developed by the Panel in this case, with the result that day 60 in this proceeding falls on Saturday, 26 December 2015. For the reasons expressed below, the Appellate Body will not be able to circulate its report by this date, or within the 90-day timeframe provided for in the last sentence of Article 17.5 of the DSU.

The Appellate Body and its Secretariat have faced a substantial workload in 2015, with several appeals proceeding in parallel. Divisions hearing these appeals often overlapped in their composition. On the date this appeal was filed, four ongoing proceedings were already being serviced by the Appellate Body Secretariat: appeals in two disputes, as well as two arbitrations to determine the reasonable period of time for implementation pursuant to Article 21.3(c) of the DSU. Secretariat staff working on the arbitrations had to be assigned to work on this appeal at the same time. In addition to this appeal, one of the arbitrations, as well as a projected upcoming appeal, all require Spanish-speaking staff of which the Appellate Body Secretariat has only a limited number. Furthermore, the workload of the Appellate Body is projected to remain high in 2016.

Due to the scheduling difficulties arising from these circumstances, the number and complexity of the issues raised in this and concurrent proceedings, the demands that this places on the WTO Secretariat's translation services, the shortage of staff in the Appellate Body Secretariat, as well as the intervening holiday period, the Appellate Body will not be able to circulate its report in this dispute within the 90-day timeframe provided for in Article 17.5 of the DSU.

The circulation date of the Appellate Body report in this appeal will be communicated to the participants and third participants shortly after the oral hearing, in the light of the scheduling of parallel appeals and the availability of translation services.

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