

**UNITED STATES – CUSTOMS BOND DIRECTIVE FOR MERCHANDISE
SUBJECT TO ANTI-DUMPING/COUNTERVAILING DUTIES**

Communication from India and the United States concerning
Article 21.3(b) and Article 21.3(c) of the DSU

The following communication, dated 2 October 2008, from the delegation of India and the delegation of the United States to the Chairman of the Dispute Settlement Body, is circulated at the request of these delegations..

At its meeting on 1 August 2008, the Dispute Settlement Body (DSB) adopted the reports of the Panel and the Appellate Body in the dispute *United States – Customs Bond Directive for Merchandise Subject to Anti-Dumping/Countervailing Duties* (WT/DS345). At the meeting of the DSB held on 29 August 2008, the United States notified the DSB that it intends to comply in this dispute with its WTO obligations, and stated that it would need a reasonable period of time for implementation. At that meeting, India indicated its willingness to negotiate with the United States under Article 21.3(b) of the DSU regarding a reasonable period of time for implementation.

Article 21.3(c) of the DSU provides that, in the absence of an agreement between the parties on a period of time, the reasonable period of time shall be determined "through binding arbitration within 90 days after the date of adoption of the recommendations and rulings." In order to allow sufficient time for the parties to discuss a mutually agreed period, India and the United States (i) have agreed that any arbitrations under Article 21.3(c) of the DSU shall be completed no later than 60 days after the date of the appointment of an arbitrator, unless the arbitrator, following consultation with the parties, considers that additional time is required; and (ii) hereby confirm that any awards of the arbitrator (including awards not made within 90 days after the date of adoption of the recommendations and rulings) shall be deemed to be awards of the arbitrator for the purposes of Article 21.3(c) of the DSU in determining the reasonable period of time for the United States to implement the recommendations and rulings of the DSB.

For India

For the United States

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