

**UNITED STATES – MEASURES CONCERNING THE IMPORTATION,
MARKETING AND SALE OF TUNA AND TUNA PRODUCTS**

Communication from the Appellate Body

The following communication, dated 20 March 2012, from the Chair of the Appellate Body addressed to the Chair 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*.

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 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.

The United States notified the DSB on 20 January 2012 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 the 60-day period expires on Tuesday, 20 March 2012. The Appellate Body will not be able to circulate its Report within 90 days. This is due in part to the size of this appeal, including the number and complexity of the issues raised by the participants. It is also due to the large caseload that the Appellate Body was, and is, facing, and scheduling constraints resulting therefrom. Accordingly, it is expected that the Appellate Body Report in this appeal will be circulated to WTO Members no later than Wednesday, 16 May 2012.
