



22 October 2014

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**UNITED STATES – COUNTERVAILING DUTY MEASURES
ON CERTAIN PRODUCTS FROM CHINA**

COMMUNICATION FROM THE APPELLATE BODY

The following notification, dated 20 October 2014, from the Chair of the Appellate Body addressed to the Chair of the Dispute Settlement Body, is circulated to Members 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 (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.

China notified the DSB on 22 August 2014 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, 21 October 2014. 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.

At the time that the Division was composed in this dispute, the Appellate Body comprised only six, rather than the full complement of seven, Appellate Body Members. The Appellate Body has also faced a substantial workload in the second half of 2014 with several appellate proceedings pending in parallel, and there has been overlap in the composition of the Divisions hearing these different appeals during this period.

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

For these reasons, we estimate that the Appellate Body report in this appeal will be circulated to WTO Members no later than Thursday, 18 December 2014.
