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**INDONESIA – MEASURES CONCERNING THE IMPORTATION OF CHICKEN MEAT
AND CHICKEN PRODUCTS**

**UNDERSTANDING BETWEEN BRAZIL AND INDONESIA REGARDING
PROCEDURES UNDER ARTICLES 21 AND 22 OF THE DSU**

The following communication, dated 27 July 2018, from the delegation of Brazil and the delegation of Indonesia to the Chairperson of the Dispute Settlement Body, is circulated at the request of these delegations.

Brazil and Indonesia would like to inform the Dispute Settlement Body (DSB) of the attached "Agreed Procedures under Articles 21 and 22 of the Dispute Settlement Understanding" between Brazil and Indonesia with respect to the dispute "*Indonesia - Measures Concerning the Importation of Chicken Meat and Chicken Products*" (WT/DS484).

We kindly request that you circulate the attached agreement to the Members of the DSB.

Agreed Procedures under Articles 21 and 22 of the Dispute Settlement Understanding*Indonesia – Measures Concerning the Importation of Chicken Meat and Chicken Products*
(DS484)

On 22 November 2017, the Dispute Settlement Body ("DSB") adopted its recommendations and rulings in the dispute *Indonesia – Measures Concerning the Importation of Chicken Meat and Chicken Products* (WT/DS484).

Pursuant to Article 21.3(b) of the Understanding on Rules and Procedures Governing the Settlement of Disputes ("DSU") Brazil and Indonesia agreed that the reasonable period of time to implement the DSB recommendations and rulings would be eight months, expiring on 22 July 2018 (WT/DS484/16).

Brazil and Indonesia (the "Parties") have agreed on the following procedures for the exclusive purposes of this dispute. They are designed to facilitate the resolution of the dispute and reduce the scope for procedural disputes, without prejudice to either Party's position on the correct interpretation of the DSU:

1. If Brazil deems it appropriate to invoke Article 21.5 of the DSU, Brazil may at any time request the establishment of a compliance panel pursuant to that Article. Brazil will not need to hold previous consultations with Indonesia before requesting the establishment of the panel. If, however, Brazil requests consultations, the Parties agree to hold such consultations within 15 days from the date of receipt of the request.
2. In case consultations are requested, Brazil may, at any time after the 15-day period referenced in paragraph 1, request the establishment of a compliance panel pursuant to DSU Article 21.5.
3. At the first DSB meeting at which Brazil's request for the establishment of an Article 21.5 compliance panel appears as an item on the agenda, Indonesia will accept the establishment of that panel.
4. The Parties will cooperate to enable the compliance panel to circulate its report within 90 days of the panel's establishment, excluding such time as the panel's work may be suspended pursuant to Article 12.12 of the DSU.
5. Either Party to the dispute may request the DSB to adopt the report of the Article 21.5 panel at a DSB meeting held at least 20 days after the circulation of the report to the Members unless either Party appeals the report.
6. In case of an appeal of the compliance panel report, the Parties will cooperate to enable the Appellate Body to circulate its report within 90 days from the date of notification of the appeal to the DSB.
7. In case of an appeal, either Party may request the DSB to adopt the reports of the Appellate Body and of the Article 21.5 panel (as modified by the Appellate Body report) at a DSB meeting held within 30 days of the circulation of the Appellate Body report to the Members.
8. In the event that the DSB rules that a measure taken by Indonesia to comply does not exist or is inconsistent with a covered agreement, Brazil may at any time request authorization to suspend concessions or other obligations in accordance with Article 22 of the DSU.
9. Indonesia shall not assert that Brazil is precluded from obtaining such DSB authorization on the grounds that the request was made outside the 30-day time-period specified in Article 22.6 of the DSU. This is without prejudice to the right of Indonesia to have the matter referred to arbitration in accordance with Article 22.6 of the DSU.
10. If Brazil requests authorization to suspend concessions or other obligations pursuant to Article 22.2 of the DSU, and if Indonesia objects under Article 22.6 of the DSU to the level

of suspension of concessions or other obligations and/or claims that the principles and procedures set forth in DSU Article 22.3 have not been followed, the matter will be referred to arbitration pursuant to DSU Article 22.6.

11. The Parties will cooperate to enable the arbitrator under Article 22.6 of the DSU to circulate its award within 60 days of the referral to arbitration.
12. The Parties will cooperate to facilitate the participation of the original panelists in the compliance panel and the Article 22.6 arbitration.
13. If any of the original panelists is not available for either the Article 21.5 compliance panel or the Article 22.6 arbitration, or both, the Parties will promptly consult on a replacement panelist or arbitrator, and either Party may request the Director-General of the WTO to appoint, within 10 days, a replacement for the proceeding or proceedings in which such a replacement is required. For any such request where an original panelist is unavailable to serve on the compliance panel and the Article 22.6 arbitration, the Parties will request that in selecting a panelist for the compliance panel, the Director-General seek a person who will also be available to act in both proceedings.
14. The Parties agree to continue to cooperate in all matters related to these Agreed Procedures and not to raise any procedural objection to any of the steps set out herein. If, during the application of these procedures, the Parties consider that a procedural aspect has not been properly addressed, they will endeavour to find a solution within the shortest time possible that will not affect the other aspects and steps agreed herein.
15. In the event that Brazil and Indonesia reach a mutually agreed solution to this dispute during the course of the Article 21.5 compliance panel or the Article 22.6 arbitration proceedings, and upon notification of such a mutually agreed solution, the Parties will jointly request the panel or the arbitrator to suspend its work (including the circulation of its report or award, as the case may be).
16. These Agreed Procedures in no way prejudice other rights of either Party to take any action or procedural step to protect its rights and interests, including recourse to the DSU.
17. Before the end of 2018, the Parties agree to consult with a view to achieving a resolution to this dispute.

Agreed in Geneva on 27 July 2018.
