



5 December 2014

(14-7113)

Page: 1/2

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**PERU – ADDITIONAL DUTY ON IMPORTS OF  
CERTAIN AGRICULTURAL PRODUCTS**

**JOINT REQUEST BY PERU AND GUATEMALA  
FOR A DECISION BY THE DSB**

The following communication, dated 3 December 2014, from the delegation of Peru and the delegation of Guatemala to the Chairperson of the Dispute Settlement Body (DSB), is circulated at the request of those delegations.

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Draft Decision of the DSB

"The DSB decides that it shall, no earlier than 9 February 2015 and no later than 25 March 2015, adopt the report of the panel in the dispute *Peru — Additional Duty on Imports of Certain Agricultural Products* (WT/DS457/R) unless (i) the DSB decides by consensus not to do so or (ii) Guatemala or Peru notifies the DSB of its decision to appeal pursuant to Article 16.4 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* (DSU). Any such adoption or appeal of the panel report will be deemed to have occurred within the 60-day time period specified in Article 16.4 of the DSU."

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**Procedural Agreement between Peru and Guatemala regarding the Time Period  
under Article 16.4 of the DSU applicable to the report of the panel in the dispute  
Peru — Additional Duty on Imports of Certain Agricultural Products  
(WT/DS457/R)**

1. In order to take into account the current workload of the Appellate Body, Guatemala and Peru agree that the 60-day time period in Article 16.4 of *Understanding on Rules and Procedures Governing the Settlement of Disputes* (DSU), as applicable to the above dispute, will be extended to 25 March 2015, and that a decision of the Dispute Settlement Body (DSB) on this extension will be sought at the meeting of the DSB to be held on 17 December 2014.
2. The parties agree to this extension on the understanding that the rights of the parties with respect to adoption or appeal of the panel report *Peru — Additional Duty on Imports of Certain Agricultural Products* (WT/DS457/R) between 9 February 2015 and 25 March 2015 are preserved, as if such adoption or appeal had been requested within the 60-day time period specified in Article 16.4 of the DSU.
3. Peru will appeal the above-mentioned panel report on 9 February 2015 if no more than two other appeals are pending before the Appellate Body on that date. However, if three or more other appeals are pending before the Appellate Body on that date, then Peru will appeal the panel report on 25 March 2015.
4. The parties also preserve their rights to cross-appeal the panel report in accordance with the Working Procedures for Appellate Review.

(Signed)  
Luis Enrique Chávez Basagoitia  
Ambassador  
Permanent Representative of Peru

(Signed)  
Eduardo Sperisen-Yurt  
Ambassador  
Permanent Representative of Guatemala

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