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

**COMMUNICATION FROM INDONESIA AND BRAZIL CONCERNING  
ARTICLE 21.3(C) OF THE DSU**

The following communication, dated 7 February 2018, from the delegation of Indonesia and the delegation of Brazil to the Chairperson of the Dispute Settlement Body, is circulated at the request of these delegations.

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At its meeting 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* (DS484). At that meeting, Indonesia stated that it would need a reasonable period of time ("RPT") to implement the DSB's recommendations and rulings in this dispute.

On 15 December 2017, in a letter to the Chairperson of the DSB (WT/DS484/13), Indonesia confirmed that it could not immediately comply with the recommendations and rulings of the DSB and that it would need an RPT to do so. Indonesia also observed that the 45-day time limit referred to in Article 21.3(b) of the DSU would end on 6 January 2018 and that it would be necessary for the parties to extend that deadline in order to reach a mutually agreed RPT. On 11 January 2018, Brazil responded to Indonesia's communication (WT/DS484/14) stating that it accepted the extension of the RPT negotiations until the regular DSB meeting of 22 February 2018.

Article 21.3(c) of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* ("DSU") provides that, in the absence of an agreement between the parties on a period of time, the RPT 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 of time or for an arbitration to be completed, Brazil and Indonesia (i) confirm their common understanding that, in the event an arbitration under Article 21.3(c) of the DSU is requested, it 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 award of the arbitrator (including an award not made within 90 days after the date of adoption of the recommendations and rulings) shall be deemed to be an award of the arbitrator for the purposes of Article 21.3(c) of the DSU in determining the RPT for Indonesia to implement the recommendations and rulings of the DSB.

We respectfully request that you circulate this notification to the Members of the DSB.

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