

**BRAZIL – MEASURES AFFECTING IMPORTS OF RETREADED TYRES**

Extension of Time Period under Article 21.3(c) of the DSU

The following communication, dated 11 February 2008, from the delegation of Brazil and the delegation of the European Communities to the Chairman of the Dispute Settlement Body, is circulated in accordance with Article 21.3(c) of the DSU.

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On 17 December 2007, the Dispute Settlement Body (DSB) adopted the Appellate Body report and the Panel report, as modified by the Appellate Body Report, in *Brazil – Measures affecting Imports of Retreaded Tyres* (WT/DS332). At the meeting of the DSB held on 15 January 2008, Brazil notified the DSB that it intends to implement the recommendations and rulings of the DSB in this dispute, and stated that it would need a reasonable period of time for implementation.

Article 21.3(c) of the DSU provides that, in the absence of an agreement between the parties on a period of time, the reasonable period of time 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 for further discussions, the EC and Brazil (i) have agreed that any arbitrations under Article 21.3(c) of the DSU 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 awards 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 reasonable period of time for Brazil to implement the recommendations and rulings of the DSB.

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