

EUROPEAN COMMUNITIES – EXPORT SUBSIDIES ON SUGAR

Procedural Agreement between Australia,
Brazil, Thailand and the European Communities
regarding the Time-Period under Article 16.4 of the DSU

The following communication, dated 2 December 2004, from the delegations of Australia, Brazil, Thailand and the European Communities to the Chairperson of the Dispute Settlement Body is circulated at the request of those delegations.

Australia, Brazil, Thailand and the European Communities request that a meeting of the Dispute Settlement Body (DSB) be held on 13 December 2004, as provided in Article 2.3 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* (DSU), to consider the following item: "European Communities – Export Subsidies on Sugar: Procedural Agreement between Australia, Brazil, Thailand and the European Communities regarding the time-period under Article 16.4 of the DSU".

We request the DSB to agree to postpone the consideration of the panel reports "European Communities – Export Subsidies on Sugar" (WT/DS265/R, WT/DS266/R and WT/DS283/R) and to the extension of the corresponding time-period in Article 16.4 of the DSU until 31 January 2005.

Please find below the text of the procedural agreement between the parties to the disputes.

We would be grateful if you could circulate this document to WTO Members.

**EC – EXPORT SUBSIDIES ON SUGAR
(WT/DS265, 266 and 283)**

**Procedural Agreement between Australia,
Brazil, Thailand and the European Communities
regarding the time-period under Article 16.4 of the DSU**

1 December 2004

1. In order to take account of the end of year period, and to avoid inconveniencing the appeal procedure, the above parties agree that the 60 day time-period in Article 16.4 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* (DSU) as applicable to the above disputes will be extended to 31 January 2005, and that the agreement of the Dispute Settlement Body (DSB) to this extension will be sought at a meeting of the DSB to be requested for 13 December 2004.
2. This extension is agreed on the understanding that the rights of the parties to the disputes with respect to adoption or appeal of the panel reports are preserved, as if such adoption or appeal had been requested within the 60 days specified in Article 16.4 of the DSU.
3. The European Communities (EC) will file its notice of appeal of the panel reports in these disputes on 13 January 2005, provided the DSB agreement set out in paragraph 1 is obtained.
4. If for any reason the EC does not file its notice of appeal on 13 January 2005, the complainants may, individually or jointly, request a DSB meeting for adoption of the panel reports within the extended 60 day period.
5. The parties also agree that the complainants will request a second meeting of the DSB for 14 December 2004 for the adoption of the panel reports within the original 60 day period should this prove necessary, but that this request will be withdrawn should the DSB agreement set out in paragraph 1 above be obtained.

Signed:

H.E. Mr David Spencer
Ambassador
Permanent Representative of Australia

H.E. Mr Luiz Felipe de Seixas Correa
Ambassador
Permanent Representative of Brazil

H.E. Mrs Puangrat Asavapisit
Ambassador
Permanent Representative of Thailand

H.E. Mr Carlo Trojan
Ambassador
Permanent Representative of the EC
