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CANADA – MEASURES RELATING TO THE FEED-IN TARIFF PROGRAM

**COMMUNICATION FROM CANADA AND THE EUROPEAN UNION CONCERNING
ARTICLE 21.3(C) OF THE DSU**

The following communication, dated 8 July 2013, from the delegation of Canada and the delegation of the European Union to the Chairperson of the Dispute Settlement Body, is circulated at the request of these delegations.

On 24 May 2013, the Dispute Settlement Body ("DSB") adopted its recommendations and rulings in the dispute *Canada – Measures relating to the Feed-in Program* (WT/DS426/AB/R, WT/DS426/R and WT/DS426/R/Add.1). At the meeting of the DSB held on 25 June 2013, Canada stated that it intends to implement the recommendations and rulings of the DSB in this dispute in a manner that respects its WTO obligations. Canada also said that it would need a reasonable period of time for implementation.

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 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 to discuss a mutually agreed period, Canada and the European Union (i) agree 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 DSB 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 Canada to implement the recommendations and rulings of the DSB.

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

For Canada

For the European Union

(Signed)
Robert MCDOUGALL
Counsellor

(Signed)
Angelos PANGRATIS
Ambassador
