

**UNITED STATES – MEASURES AFFECTING TRADE
IN LARGE CIVIL AIRCRAFT
(SECOND COMPLAINT)**

Communication from the Appellate Body

The following communication, dated 4 July 2011, from the Chair of the Appellate Body addressed to the Chair of the Dispute Settlement Body, is circulated in accordance with Article 17.5 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes*.

I am writing to you pursuant to Article 17.5 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes*, which stipulates that, as a general rule, the Appellate Body will circulate its Report no later than 60 days after the appellant has formally notified the Dispute Settlement Body (the "DSB") of its decision to appeal. Article 17.5 states, furthermore, that when the Appellate Body considers that it cannot provide its Report within 60 days, it shall inform the DSB in writing of the reasons for the delay together with an estimate of the period within which it will submit its Report.

The European Union notified the DSB on 1 April 2011 of its decision to appeal certain issues of law covered in the Panel Report and legal interpretations developed by the Panel in this case, with the result that the 60-day period expired on Tuesday, 31 May 2011. Due to the considerable size of the record and complexity of the appeal, the need to hold multiple sessions of the oral hearing, and taking into account the current overall workload of the Appellate Body, the Appellate Body was not able to circulate its Report by Tuesday, 31 May 2011. The Appellate Body will hold a first session of the oral hearing in August and a second session in October 2011, and will provide thereafter an estimate for circulation of its Report in this dispute.
