

**EUROPEAN COMMUNITIES – CUSTOMS CLASSIFICATION OF
FROZEN BONELESS CHICKEN CUTS**

Request from Brazil for Arbitration under Article 21.3(c) of the DSU

The following communication, dated 22 November 2005, from the delegation of Brazil to the Chairman of the Dispute Settlement Body, is circulated at the request of that delegation.

On 27 September 2005, the Dispute Settlement Body (DSB) adopted the report of the Appellate Body in *European Communities – Customs Classification of Frozen Boneless Chicken Cuts* (WT/DS269/AB/R) and the Panel report (WT/DS269/R), as modified by the Appellate Body report.

At the DSB meeting held on 18 October 2005, the European Communities stated its intention to implement the DSB recommendations and rulings in an appropriate manner. In that statement, the Communities also informed that "various highly technical issues" prevented them from proceeding to immediate implementation and that a reasonable period of time was required for that purpose. The EC signaled its intention to enter into consultations on a mutually acceptable period of time for implementation, pursuant to Article 21.3(b) of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU).

The co-complainants and the European Communities held consultations on 18 November 2005 regarding the period of implementation but were not able to reach an agreement.

Brazil, therefore, requests that the reasonable period of time be determined through binding arbitration pursuant to Article 21.3(c) of the DSU.

Brazil will immediately confer with the European Communities with a view to reaching agreement on the prompt appointment of an arbitrator.
