

Original: English

## CHINA – MEASURES RELATED TO THE EXPORTATION OF VARIOUS RAW MATERIALS

### Communication from the Appellate Body

The following communication, dated 28 October 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*.

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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.

China notified the DSB on 31 August 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 expires on Monday, 31 October 2011. Due to the significant size of this appeal, including the number and complexity of the issues raised by both China and each of the three other appellants, the Appellate Body will not be able to circulate its Report within 90 days. Given the scope and timing of this appeal and the demands that it, along with the two other pending appeals, places on the Appellate Body and translation services, the Appellate Body Report in this appeal will be circulated to WTO Members no later than Tuesday, 31 January 2012.

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