



5 March 2015

(15-1223)

Page: 1/1

UNITED STATES – CERTAIN COUNTRY OF ORIGIN LABELLING (COOL) REQUIREMENTS

RECOURSE TO ARTICLE 21.5 OF THE DSU BY CANADA AND MEXICO

COMMUNICATION FROM THE APPELLATE BODY

The following notification, dated 2 March 2015, from the Chair of the Appellate Body addressed to the Chair of the Dispute Settlement Body, is circulated to Members 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 (DSU), 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 (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.

I refer to my letter to the Chair of the DSB, Ambassador Fernando de Mateo, of 26 January 2015, setting out the reasons why the Appellate Body would not be able to circulate its reports in these proceedings within the 90-day timeframe provided for in Article 17.5 of the DSU. As explained in this letter, these reasons include the current workload of the Appellate Body, the number and complexity of the issues raised in these appeal proceedings, and the demands that this places on the WTO Secretariat's translation services. These reasons also include extensions of the deadlines for filing written submissions in this appeal granted at the request of the participants and third participants, the intervening year-end closure of the WTO Secretariat, as well as scheduling difficulties arising from an overlap in the composition of the Divisions hearing appeals currently pending before the Appellate Body.

By the same letter, we indicated that we would provide information on the circulation date shortly after the oral hearing. We are now in a position to provide a date of circulation of our reports. We anticipate that the Appellate Body reports in this appeal will be circulated no later than Monday, 18 May 2015.
