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**CHINA – MEASURES RELATED TO THE EXPORTATION OF
RARE EARTHS, TUNGSTEN, AND MOLYBDENUM**

COMMUNICATION FROM THE APPELLATE BODY

The following notification, dated 23 June 2014, 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.

China notified the DSB on 25 April 2014 of its decision to appeal certain issues of law covered in the Panel Reports WT/DS432/R (complaint by the European Union) and WT/DS433/R (complaint by Japan), and legal interpretations developed by the Panel in these disputes, with the result that the 60-day period expires on Tuesday, 24 June 2014. The Appellate Body will not be able to circulate its Reports by this date. Moreover, the Appellate Body expects that it will not be able to circulate its Reports within the 90-day timeframe provided for in the last sentence of Article 17.5 of the DSU. As explained in my letter to you dated 17 June 2014 and circulated to Members as document WT/DS431/11, this is a consequence of the unfilled vacancy on the Appellate Body, the Appellate Body's significant workload, the volume and complexity of the issues raised by the participants in these disputes along with the large number of participants and third participants, the time needed for translation of the Reports, and the consolidation of these appeals with the appellate proceedings in DS431.

We estimate that the Appellate Body Reports in all three appeals (DS431, DS432, DS433) will be circulated to WTO Members no later than Thursday, 7 August 2014.
