

**AUSTRALIA – MEASURES AFFECTING THE IMPORTATION OF APPLES
FROM NEW ZEALAND**

Communication from the Chairman of the Panel

The following communication, dated 22 June 2009, addressed to the Chairman of the Dispute Settlement Body (DSB), is circulated in accordance with Article 12.9 of the Dispute Settlement Understanding (DSU).

Article 12.8 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU) provides that the period in which a panel shall conduct its examination, from the date that the composition and terms of reference of the panel have been agreed upon until the date the final report is issued to the parties to the dispute, shall, as a general rule, not exceed six months.

Article 12.9 of the DSU provides that, when a panel considers that it cannot issue its report within six months, it shall inform the Dispute Settlement Body (DSB) in writing of the reasons for the delay, together with an estimate of the period within which it will issue its report.

The Panel on *Australia – Measures Affecting the Importation of Apples from New Zealand* (WT/DS367) was established by the DSB on 21 January 2008, and composed by the Director-General on 12 March 2008.

In its communication of 19 September 2008, the Panel indicated that it expected to issue its final report to the Parties by July 2009. However, as a result of the time required for the expert consultation process, including the time needed to identify and select experts, to prepare the questions for the experts in consultation with the Parties; the time required by experts to prepare their responses and the time provided to Parties to comment on these responses, it will not be possible for the Panel to issue its final report to the Parties by July 2009. The Panel estimates that it will issue its final report to the Parties by January 2010, as envisaged in the revised timetable adopted after consultation with the Parties.
