

**UNITED STATES – MEASURES CONCERNING THE IMPORTATION,
MARKETING AND SALE OF TUNA AND TUNA PRODUCTS**

Joint communication from the United States and Mexico

The following communication, dated 12 April 2012, from the delegation of the United States and the delegation of Mexico to the Presiding Member of the Appellate Body Division in this dispute, is circulated at the request of those delegations.

Due to difficulties in scheduling the oral hearing in the above-referenced appeal, the hearing was scheduled outside the 30-45 day period set out in Rule 27(1) and Annex I of the *Working Procedures for Appellate Review* (WT/AB/WP/6). As a result, the parties agreed that it would not be possible to circulate the Appellate Body Report in an appeal within the 90-day time limit referred to in Article 17.5 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* ("DSU"). In light of the need to accommodate the delay in the oral hearing, the United States and Mexico have agreed to extend the 90-day deadline for completion of the Appellate Body Report.

On March 22, 2012, the Appellate Body informed the DSB of its reasons for the delay in providing its report and stated that the report "will be circulated to Members no later than Wednesday, 16 May 2012". Consistent with past practice, the United States and Mexico hereby confirm that they will each deem an Appellate Body Report in this proceeding, issued no later than May 16, 2012, to be an Appellate Body Report circulated pursuant to Article 17.5 of the DSU.

H.E. Mr. Michael Punke
Ambassador
Permanent Mission of the United States

H.E. Mr. Fernando de Mateo
Ambassador
Permanent Mission of Mexico
