

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

Communication from the Chairman of the Panel

The following communication, dated 19 September 2008, 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.

Due to the nature and scope of the dispute, including the Panel's decision to seek scientific and technical expert advice pursuant to Article 11 of the *Agreement on Sanitary and Phytosanitary Measures* and Article 13 of the DSU, the Panel expects to issue its final report to the parties by July 2009, as envisaged in the timetable adopted after consultations with the Parties.
