

WORLD TRADE ORGANIZATION

WT/DS332/8
31 July 2007

(07-3283)

Original: English

BRAZIL – MEASURES AFFECTING IMPORTS OF RETREADED TYRES

Joint Request by the European Communities and Brazil for a Decision by the DSB

The following communication, dated 30 July 2007, from the delegation of the European Communities and the delegation of Brazil to the Chairman of the Dispute Settlement Body (DSB), is circulated at the request of those delegations.

Brazil and the European Communities request that a meeting of the Dispute Settlement Body (DSB) be held on 10 August 2007, as provided in Article 2.3 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* (DSU), to adopt the following draft decision with respect to the dispute *Brazil – Measures Affecting Imports of Retreaded Tyres* (WT/DS332).

Draft Decision of the DSB

"The DSB agrees that, upon a request by Brazil or the European Communities, the DSB shall no later than 20 September 2007, adopt the report of the panel in the dispute *Brazil – Measures Affecting Imports of Retreaded Tyres* (WT/DS332/R) unless (i) the DSB decides by consensus not to do so or (ii) Brazil or the European Communities notifies the DSB of its decision to appeal pursuant to Article 16.4 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes*."

Attached to the letter you will find the text of the procedural agreement between the parties to the dispute.

We would be grateful if you could circulate this document to WTO Members.

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**Procedural Agreement between Brazil and the European Communities
regarding the Time-Period under Article 16.4 of the DSU**

1. In order to take into account certain scheduling difficulties concerning the appeal procedure, the above parties agree that the 60 day time-period in Article 16.4 of *Understanding on Rules and Procedures Governing the Settlement of Disputes* (DSU) as applicable to the above dispute will be extended to 20 September 2007, and that a decision of the Dispute Settlement Body (DSB) on this extension will be sought at a meeting of the DSB to be requested for 10 August 2007.
2. This extension is agreed on the understanding that the rights of the parties to the dispute with respect to adoption or appeal of the panel report are preserved, as if such adoption or appeal had been requested within 60 days specified in Article 16.4 of the DSU.
3. The European Communities (EC) will file its notice of appeal of the panel report in this dispute on 3 September 2007, provided the DSB decision set out in paragraph 1 is obtained.
4. If for any reason the EC does not file its notice of appeal on 3 September 2007, the parties may request a DSB meeting for adoption of the panel report within the extended period.

(signed)
H.E. Mr. Clodoaldo Hugueney
Ambassador
Permanent Representative of Brazil

(signed)
H.E. Mr. Eckart Guth
Ambassador
Permanent Representative of the EC
