

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

Communication from Mexico and the United States concerning
Article 21.3(c) of the DSU

The following communication, dated 2 August 2012, from the delegation of Mexico and the delegation of the United States to the Chairperson of the Dispute Settlement Body, is circulated at the request of these delegations.

At its meeting on 13 June 2012, the Dispute Settlement Body ("DSB") adopted its recommendations and rulings in the dispute *United States — Measures Concerning the Importation, Marketing and Sale of Tuna and Tuna Products* (DS381). In its statement at the meeting of the DSB held on 25 June 2012, the United States announced its intention to implement the DSB's recommendations and rulings in this dispute and stated that it would need a reasonable period of time in which to do so.

Article 21.3 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* ("DSU") provides that the reasonable period of time shall be a period of time mutually agreed by the parties to the dispute, or in the absence of an agreement, the reasonable period of time shall be determined "through binding arbitration within 90 days after the date of adoption of the recommendations and rulings."

The United States and Mexico continue to discuss a mutually agreeable period of time. In order to allow sufficient time for those discussions, Mexico and the United States (i) agree that, in the event an arbitration under Article 21.3(c) of the DSU is requested, it shall be completed no later than 60 days after the date of the appointment of an arbitrator, unless the arbitrator, following consultation with the parties, considers that additional time is required; and (ii) hereby confirm that any award of the arbitrator (including an award not made within 90 days after the date of adoption of the DSB recommendations and rulings) shall be deemed to be an award of the arbitrator for the purposes of Article 21.3(c) of the DSU in determining the reasonable period of time for the United States to implement the recommendations and rulings of the DSB.

We respectfully request that you circulate this notification to the Members of the DSB.
