

**EUROPEAN COMMUNITIES AND CERTAIN MEMBER STATES – MEASURES  
AFFECTING TRADE IN LARGE CIVIL AIRCRAFT**

Communication from the Appellate Body

The following communication, dated 17 September 2010, from the Chairman of the Appellate Body addressed to the Chairman of the Dispute Settlement Body, is circulated in accordance with Article 17.5 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes*.

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I am writing to you pursuant to Article 17.5 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes*, which stipulates that, as a general rule, the Appellate Body will circulate its Report no later than 60 days after the appellant has formally notified the Dispute Settlement Body ("DSB") of its decision to appeal. Article 17.5 states, furthermore, that, when the Appellate Body considers that it cannot provide its Report within 60 days, it shall inform the DSB in writing of the reasons for the delay together with an estimate of the period within which it will submit its Report.

The European Union notified the DSB on Wednesday, 21 July 2010 of its decision to appeal certain issues of law covered in the Panel Report and legal interpretations developed by the Panel in this case, with the result that the 60-day period expires on Monday, 20 September 2010. Due to the considerable size of the record and complexity of the appeal, including the issues raised preliminarily, and taking into account the dates for the submissions and the oral hearings that have been established in consultation with the participants, the Appellate Body will not be able to circulate its Report by Monday, 20 September 2010. We will hold oral hearings in this appeal in November and December 2010, and will provide thereafter an estimate for circulation of our Report

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