



INDIA – CERTAIN MEASURES RELATING TO SOLAR CELLS AND SOLAR MODULES

COMMUNICATION FROM THE APPELLATE BODY

The following communication, dated 17 June 2016, from the Chair of the Appellate Body addressed to the Chair of the Dispute Settlement Body, is circulated to Members in accordance with Article 17.5 of the Understanding on Rules and Procedures Governing the Settlement of Disputes.

I am writing to you pursuant to Article 17.5 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU), 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.

India notified the DSB on 20 April 2016 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 day 60 in this proceeding falls on Sunday, 19 June 2016. For the reasons expressed below, the Appellate Body will not be able to circulate its report by this date, or within the 90-day timeframe provided for in the last sentence of Article 17.5 of the DSU.

The Appellate Body faces a substantial workload in 2016, with several appeals proceeding in parallel, and there is overlap in the composition of the Divisions hearing these appeals. Due to the scheduling issues arising from these circumstances, the number and complexity of the issues raised in this or concurrent appellate proceedings, together with the demands that these concurrent appeals place on the WTO Secretariat's translation services, and the shortage staff in the Appellate Body Secretariat, the Appellate Body will not be able to circulate its report in this dispute within the 90 day timeframe provided for in Article 17.5 of the DSU.

The circulation date of the Appellate Body report in this appeal will be communicated to the participants and third participants after the oral hearing.
