



12 November 2015

(15-5985)

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**EUROPEAN COMMUNITIES – DEFINITIVE ANTI-DUMPING MEASURES ON CERTAIN IRON
OR STEEL FASTENERS FROM CHINA**

RECOURSE TO ARTICLE 21.5 OF THE DSU BY THE PEOPLE'S REPUBLIC OF CHINA

COMMUNICATION FROM THE APPELLATE BODY

The following communication, dated 6 November 2015, 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, 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 (the "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 9 September 2015 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 Sunday, 8 November 2015. Due to the time required for completion and translation of the Report, the Appellate Body is not able to circulate its Report by this date.

The Appellate Body has faced a substantial workload in 2015, with several appeals proceeding in parallel, and there has been overlap in the composition of the Divisions hearing these different appeals during this period. Due to the scheduling issues arising from these circumstances, the fact that the length of the submissions filed in this appeal (in word count) exceeds the length of the panel report by 2.5 times, the number and complexity of the issues raised in this and concurrent appeal proceedings, together with the demands that these concurrent appeals place on the WTO Secretariat's translation services, and shortage of 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.

For these reasons, we estimate that the Appellate Body report in this appeal will be circulated to WTO Members on 18 January 2016.
