

JAPAN – MEASURES AFFECTING THE IMPORTATION OF APPLES

Recourse by the United States to Article 21.5 of the DSU

Communication from the Chairman of the Panel

The following communication, dated 29 October 2004, addressed to the Dispute Settlement Body (DSB), is circulated pursuant to Article 21.5 of the Dispute Settlement Understanding (DSU).

Article 21.5 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU) provides that a panel called to review the existence or consistency with a covered agreement of measures taken to comply with recommendations and rulings of the Dispute Settlement Body (DSB) shall circulate its report within 90 days after the date of referral of the matter to it. When the Panel considers that it cannot provide its report within this time frame, 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 matter was referred to the Panel on *Japan - Measures Affecting the Importation of Apples -- Recourse by the United States to Article 21.5 of the DSU* (WT/DS245) at the DSB meeting of 30 July 2004. Due in particular to the need to consult scientific experts, on which the Panel reached a decision on 28 October 2004, the Panel is not able to issue its report within 90 days.

The Panel expects to circulate its final report to Members during the second half of the month of May 2005.
