

**JAPAN - MEASURES AFFECTING THE IMPORTATION OF APPLES**

Communication from the Chairman of the Panel

The following communication, dated 16 January 2003, addressed to the Chairman of the Dispute Settlement Body (DSB), is circulated in accordance with Article 12.9 of the Dispute Settlement Understanding.

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Article 12.8 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU) provides that the period in which a panel shall conduct its examination, from the date that the composition and terms of reference of the panel have been agreed upon until the date the final report is issued to the parties to the dispute, shall, as a general rule, not exceed six months.

Article 12.9 of the DSU provides that when a panel considers that it cannot issue its report within six months, it shall inform the Dispute Settlement Body (DSB) in writing of the reasons for the delay together with an estimate of the period within which it will issue its report.

The Panel on *Japan - Measures Affecting the Importation of Apples* (WT/DS245) was established by the DSB on 3 June 2002 and composed on 16 July 2002.

It will not, however, be possible for the Panel to complete its work in six months due to the complexity of the matter and the Panel's decision to seek technical and scientific expertise pursuant to Article 11 of the Agreement on Sanitary and Phytosanitary Measures and Article 13 of the DSU.

The Panel expects to issue its final report to the parties by the end of May 2003.

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