

**AUSTRALIA – MEASURES AFFECTING THE IMPORTATION OF APPLES
FROM NEW ZEALAND**

Communication from Australia

The following communication, dated 10 January 2011, from the delegation of Australia to the Chairman of the Dispute Settlement Body, is circulated at the request of this delegation.

At its 17 December 2010 meeting, the Dispute Settlement Body ("DSB") adopted recommendations and rulings in the dispute *Australia – Measures Affecting the Importation of Apples from New Zealand* (WT/DS367). This communication advises the DSB of the intentions of Australia with respect to implementation of the recommendations and rulings of the DSB, as is Australia's responsibility under Article 21.3 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* ("DSU"). New Zealand has agreed that Australia would inform the DSB of its intentions by written notification rather than at a special meeting of the DSB.

Australia intends to implement the recommendations and rulings of the DSB in this dispute in a manner that meets its WTO obligations. The Australian Government Department of Agriculture, Fisheries and Forestry, through Biosecurity Australia, will conduct a review of existing policy for New Zealand apples for the three pests at issue in the dispute. The review will be conducted to the standard of an import risk analysis, and will take into account the recommendations and rulings of the DSB.

Australia will need a reasonable period of time in which to conduct this review and implement the rulings and recommendations of the DSB and stands ready to discuss this matter with New Zealand, in accordance with Article 21.3(b) of the DSU.

Australia requests that you circulate this communication to the Members of the DSB.
