

**UNITED STATES – CERTAIN COUNTRY OF ORIGIN LABELLING (COOL)
REQUIREMENTS**

Communication from the Appellate Body

The following communication, dated 21 May 2012, from the Chair of the Appellate Body addressed to the Chair of the Dispute Settlement Body, is circulated 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 United States notified the DSB on 23 March 2012 of its decision to appeal certain issues of law covered in the Panel Reports and legal interpretations developed by the Panel in this case, with the result that the 60-day period expires on Tuesday, 22 May 2012. The Appellate Body will not be able to circulate its Reports by this date. Moreover, the Appellate Body expects that it will not be able to circulate its Reports within the 90-day timeframe provided for in the last sentence of Article 17.5 of the DSU. This is due in part to the size of this appeal, including the number and complexity of the issues raised by the participants. It is also due to the Appellate Body's heavy caseload, scheduling difficulties resulting from the overlap in the composition of the Divisions hearing different appeals at the same time, as well as constraints resulting from the relocation of the Appellate Body and its Secretariat in the context of ongoing renovation work on the Centre William Rappard. Accordingly, it is expected that the Appellate Body Reports in this appeal will be circulated to WTO Members no later than Friday, 29 June 2012.
