



6 December 2016

(16-6664)

Page: 1/1

Original: English

INDIA – CERTAIN MEASURES RELATING TO SOLAR CELLS AND SOLAR MODULES

COMMUNICATION FROM THE UNITED STATES AND INDIA CONCERNING ARTICLE 21.3(C) OF THE DSU

The following communication, dated 1 December 2016, from the delegation of the United States and the delegation of India to the Chairperson of the Dispute Settlement Body, is circulated at the request of these delegations.

At its meeting on 14 October 2016, the Dispute Settlement Body ("DSB") adopted its recommendations and rulings in the dispute *India – Certain Measures Relating to Solar Cells and Solar Modules* (DS456). In its communication to the DSB dated 8 November 2016 and at the meeting of the DSB held on 23 November 2016, India announced its intention to implement the DSB's recommendations and rulings in this dispute and stated that it would need a reasonable period of time in which to do so.

Article 21.3(c) of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* ("DSU") provides that, in the absence of an agreement between the parties on a period of time, the reasonable period of time shall be determined "through binding arbitration within 90 days after the date of adoption of the recommendations and rulings."

In order to allow sufficient time for the parties to discuss a mutually agreed period, India and the United States (i) agree that, in the event an arbitration under Article 21.3(c) of the DSU is requested, it shall be completed no later than 60 days after the date of the appointment of an arbitrator, unless the arbitrator, following consultation with the parties, considers that additional time is required; and (ii) hereby confirm that any award of the arbitrator (including an award not made within 90 days after the date of adoption of the DSB recommendations and rulings) shall be deemed to be an award of the arbitrator for the purposes of Article 21.3(c) of the DSU in determining the reasonable period of time for India to implement the recommendations and rulings of the DSB.

We respectfully request that you circulate this notification to the Members of the DSB.
