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PERU – ADDITIONAL DUTY ON IMPORTS OF CERTAIN AGRICULTURAL PRODUCTS

REQUEST BY GUATEMALA FOR ARBITRATION UNDER ARTICLE 21.3(C) OF THE DSU

The following communication, dated 1 October 2015 from the delegation of Guatemala to the Chairperson of the Dispute Settlement Body, is circulated at the request of that delegation.

On 31 July 2015, the Dispute Settlement Body ("DSB") adopted the rulings and recommendations of the Panel Report, as modified by the Appellate Body Report, in *Peru – Additional Duty on Imports of Certain Agricultural Products* (DS457). At the DSB meeting held on 31 August 2015, Peru stated that it intended to implement the rulings and recommendations of the DSB, and requested a reasonable period of time to do so.

Pursuant to Article 21.3(b) of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* ("DSU"), Guatemala held consultations with Peru aimed at reaching a mutually agreed reasonable period of time for implementation of the DSB's rulings and recommendations. The parties extended the period in which to engage in discussion to arrive at a mutually agreed solution in a letter dated 14 September 2015.¹ However, to date, the parties have not been able to reach an agreement. Accordingly, Guatemala requests that the reasonable period of time be determined through binding arbitration pursuant to Article 21.3(c) of the DSU.

Guatemala looks forward to consulting with Peru on the appointment of the arbitrator within the next ten days, as provided in footnote 12 of the DSU.

¹ *Peru – Additional Duty on Imports of Certain Agricultural Products*, Communication from Guatemala and Peru concerning Article 21.3(b) and 21.3(c) of the DSU, 17 September 2015, WT/DS457/12.