



**RUSSIAN FEDERATION – MEASURES ON THE IMPORTATION OF LIVE PIGS,
PORK AND OTHER PIG PRODUCTS FROM THE EUROPEAN UNION**

COMMUNICATION FROM THE APPELLATE BODY

The following communication, dated 21 November 2016, from the Chair of the Appellate Body addressed to the Chair of the Dispute Settlement Body, is circulated to Members 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 (DSU), 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 (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 Russian Federation notified the DSB on 23 September 2016 of its decision to appeal certain issues of law covered in the Panel Report and legal interpretations developed by the Panel in this case, with the result that day 60 in this proceeding falls on Tuesday, 22 November 2016.

The Appellate Body faces a substantial workload, with appellate proceedings running in parallel, and with overlap in the composition of the Divisions hearing the different appeals. Moreover, as you are aware, for the last few months the Appellate Body has been composed of only five, rather than the full complement of seven, Appellate Body Members.

Due to the scheduling issues arising from these circumstances and the shortage of staff in the Appellate Body Secretariat, the Appellate Body will not be able to circulate its report in this dispute by the end of the 60-day period, or within the 90-day timeframe provided for in Article 17.5 of the DSU.

The circulation date of the Appellate Body report in this appeal will be communicated to the participants and third participants shortly after the oral hearing.
