WORLD TRADE ORGANIZATION

RESTRICTED

WT/DSB/M/306
22 December 2011

(11-6825)

Dispute Settlement Body
11 November 2011

MINUTES OF MEETING

Held in the Centre William Rappard
on 11 November 2011

Chairperson: Mrs. Elin Østebø Johansen (Norway)

1. United States – Measures concerning the importation, marketing and sale of tuna and tuna products

(a) Joint request by Mexico and the United States for a decision by the DSB (WT/DS381/9)

1. The Chairperson drew attention to the joint communication from Mexico and the United States contained in document WT/DS381/9 and invited the representative of Mexico to speak.

2. The representative of Mexico said that, taking into account the current workload of the Appellate Body, Mexico and the United States would like to request that the DSB adopt the draft decision pertaining to the Tuna dispute, as set out in document WT/DS381/9.

3. The representative of the United States said that his country was joining Mexico in asking that the DSB agree to provide additional time for the adoption or appeal of the Panel Report in this dispute by adopting the draft decision contained in document WT/DS381/9. The Appellate Body had informally requested the parties to delay any appeal in this dispute until January 2012. After discussions with Mexico, the United States had agreed to join Mexico in making this request. The draft decision would provide for DSB adoption of the Panel Report by negative consensus until 20 January 2012, unless either party appealed the Report. Mexico and the United States would appreciate the DSB's support for the draft decision, which was similar to several other decisions that had been taken by the DSB in 2011.

4. The representative of Japan said that his delegation wished to refer to Japan's statements made at the DSB meetings on 21 April and 27 September 2011, where the DSB had taken similar decisions regarding the 60-day time-period under Article 16.4 of the DSU. In this regard, Japan wished to emphasize that this decision would give greater transparency and legal certainty as to the adoption or appeal of the Panel Report subject to the decision. However, Japan considered that the circumstances to be addressed by the DSB decision at the present meeting were exceptional in nature and a decision of this kind must remain to be an exception.

5. The DSB took note of the statements.

6. The Chairperson proposed that: "The DSB agree that, upon a request by Mexico or the United States, the DSB shall, no later than 20 January 2012, adopt the Report of the Panel in the dispute: *United States – Measures Concerning the Importation, Marketing and Sale of Tuna and Tuna Products*, contained in document WT/DS381/R, unless (i) the DSB decides by consensus not to

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do so or (ii) either party to the dispute notified the DSB of its decision to appeal pursuant to Article 16.4 of the DSU".

7. The DSB so agreed.

8. The representative of Mexico said that his country thanked the DSB for the decision that had just been taken. As a result of this decision, Mexico requested that the DSB meeting scheduled for that afternoon to consider the Panel Report pertaining to the Tuna dispute for adoption be cancelled. Mexico reiterated that, taking into account the current workload of the Appellate Body, the adoption or appeal in this dispute would take place in January 2012.

9. The Chairperson said that, in light of Mexico's request, the special DSB meeting scheduled for this afternoon to consider the Panel Report in WT/DS381/R for adoption would be cancelled.

10. The DSB took note of the statements.