



16 February 2023

(23-1092)

Page: 1/1

Original: English

**INDIA – MEASURES CONCERNING THE IMPORTATION
OF CERTAIN AGRICULTURAL PRODUCTS**

RECOURSE TO ARTICLE 22.6 OF THE DSU BY INDIA

COMMUNICATION FROM THE ARBITRATOR

The following communication, dated 14 February 2023, addressed to the Chairperson of the Dispute Settlement Body (DSB), is circulated at the request of the Arbitrator.

Article 22.6 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU) provides that the arbitrator shall circulate its report within 60 days after the date of expiry of the reasonable period of time.

The reasonable period of time in this dispute, as agreed between the parties, expired on 19 June 2016. Following the United States' request to the DSB for authorization to suspend concessions or other obligations in accordance with Article 22.2 of the DSU and India's objection to the United States' proposed level of suspension of concessions or other obligations, the matter was referred to arbitration, as required by Article 22.6 of the DSU, on 19 July 2016.

The Arbitrator in this dispute was constituted on 29 June 2017 and comprised the three original panelists. The timetable adopted by the Arbitrator, in consultation with the parties, provided for an arbitration process parallel to the Article 21.5 proceedings in this dispute, and envisaged the circulation of its Decision to the WTO membership and the general public on 23 March 2018.

The Arbitrator wishes to inform the DSB that, as previously notified to the DSB, the parties, on numerous consecutive occasions beginning in March 2018, jointly requested the Arbitrator to postpone the issuance of its Decision. These requests, which were accepted by the Arbitrator, were made in conjunction with simultaneous requests to extend the timelines for the remaining steps in the parallel Article 21.5 proceedings.

On 9 January and 9 February 2023, the Arbitrator accepted the parties' latest requests to postpone issuance of its Decision, until February 2023 and May 2023, respectively, and now expects to issue its Decision in May 2023.

Accordingly, the Arbitrator has been unable to comply with the time-limits provided for in Article 22.6 of the DSU.

I would be grateful if you would circulate this letter to the Members of the DSB.
