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Page: 1/1

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**UNITED STATES – ANTI-DUMPING AND COUNTERVAILING DUTIES ON RIPE OLIVES
FROM SPAIN**

**COMMUNICATION FROM THE EUROPEAN UNION AND THE UNITED STATES CONCERNING
ARTICLE 21.3(C) OF THE DSU**

The following communication, dated 17 March 2022, from the delegation of the European Union and the delegation of the United States to the Chairperson of the Dispute Settlement Body, is circulated at the request of these delegations.

On 20 December 2021, the Dispute Settlement Body ("DSB") adopted its recommendations and rulings in the dispute United States – Anti-dumping and countervailing duties on ripe olives from Spain (WT/DS577). In its communication of 24 January 2022 (WT/DS577/10), the United States notified the DSB that it intends to implement the recommendations and rulings of the DSB in this dispute in a manner that respects its WTO obligations. The United States also stated that it would need a reasonable period of time for implementation ("RPT"). The United States subsequently recalled this notification at the meeting of the DSB held on 25 January 2022.

Article 21.3(c) of the DSU provides that, in the absence of an agreement between the parties regarding the RPT, the RPT shall be determined "through binding arbitration within 90 days after the date of adoption of the recommendations and rulings".

In light of ongoing discussions, in order to allow sufficient time for the parties to discuss a mutually agreed period, the European Union and the United States (i) agreed 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 the arbitrator, unless the arbitrator, following consultation with the parties, considers that additional time is required; and (ii) hereby confirm their common understanding that any award of the arbitrator (including an award which is not made within 90 days after the date of adoption of the DSB recommendations and rulings) will constitute an award of the arbitrator for the purposes of Article 21.3(c) of the DSU in determining the reasonable period of time for the United States to implement the recommendations and rulings of the DSB.

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