

# WORLD TRADE ORGANIZATION

WT/DS114/12  
20 June 2000

(00-2571)

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## CANADA – PATENT PROTECTION OF PHARMACEUTICAL PRODUCTS

### Surveillance of Implementation of Recommendations and Rulings

#### *Appointment of Arbitrator under Article 21.3(c) of the Understanding on Rules and Procedures Governing the Settlement of Disputes*

The following communication, dated 20 June 2000, from the Permanent Mission of Canada and the Permanent Delegation of the European Commission, to the Director-General, is circulated pursuant to Article 21.3(c) of the *Understanding on Rules and Procedures Governing the Settlement of Disputes*.

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We refer you to the communication from the European Community and its Member States, dated 9 June 2000, requesting binding arbitration under Article 21.3(c) of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* (the "DSU") to determine the reasonable period of time for Canada to implement the recommendations and rulings of the Dispute Settlement Body (the "DSB") in the matter, *Canada – Patent Protection of Pharmaceutical Products* (WT/DS114), adopted 7 April 2000.

The Parties to the dispute, Canada and the European Communities, have agreed on an arbitrator, pursuant to footnote 12 to Article 21.3(c) of the DSU: Mr. James Bacchus. We are writing to request you to officially convey to Mr. James Bacchus our agreement that he act as arbitrator in this matter. We would also appreciate that he be assisted in his functions, as arbitrator under Article 21.3(c) of the DSU, by the staff of the Appellate Body Secretariat.

With respect to the time period for this binding arbitration, Article 21.3(c) of the DSU requires that the reasonable period of time for implementation be determined through binding arbitration within 90 days after the date of adoption of the recommendations and rulings by the DSB. As the Panel Report in this dispute was adopted on 7 April 2000, this 90-day period will soon expire. We, the Parties to this dispute, have agreed to extend the period of time for this binding arbitration until 31 August 2000. We have agreed that the award of the arbitrator, made no later than 31 August 2000, shall be deemed to be the award of the arbitrator for the purposes of Article 21.3(c) of the DSU in determining the reasonable period of time for Canada to implement the recommendations and rulings of the DSB.

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