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**Dispute Settlement Body
23 October 2017**

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PROPOSAL REGARDING THE APPELLATE BODY SELECTION PROCESS

COMMUNICATION FROM ARGENTINA, BRAZIL, COLOMBIA, CHILE, GUATEMALA,
MEXICO AND PERU

Revision

The following communication, dated 12 October 2017, is being circulated at the request of the Delegations of Argentina, Brazil, Colombia, Chile, Guatemala, Mexico and Peru.

In accordance with Article 17.2 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU), the Dispute Settlement Body (DSB) "shall appoint persons to serve on the Appellate Body" and "[v]acancies shall be filled as they arise". On 30 June 2017, the second four-year term of Mr. Ricardo Ramírez Hernández expired. Furthermore, Mr. Hyun Chong Kim resigned with immediate effect on 1 August 2017. Additionally, on 11 December 2017, the second four-year term of Mr. Peter Van den Bossche will expire. There is an outstanding legal obligation to fill these vacancies.

Members shall commit to carry out a selection process to replace the Appellate Body members. Following up on the support expressed by most Members at previous DSB meetings to the proposals communicated under document WT/DSB/W/596 and its revised versions, and acknowledging the urgency and legal obligation to fill all vacancies as soon as possible, Argentina, Brazil, Colombia, Chile, Guatemala, Mexico and Peru submit an updated version of the proposal WT/DSB/W/596/Rev.4 for its approval by the DSB at its meeting on 23 October 2017, which reads as follows:

"The Dispute Settlement Body agrees to the following four elements:

- (1) to launch the following selection processes to replace Mr. Ricardo Ramírez Hernández, whose second four-year term of office expired on 30 June 2017; to replace Mr. Hyun Chong Kim, who resigned from the Appellate Body on 1 August 2017; and to replace Mr. Peter Van den Bossche, whose second four-year term of office will expire on 11 December, 2017;
- (2) to establish a Selection Committee, consistent with the procedures set out in document WT/DSB/1 and with previous selection processes, composed of the Director-General and the 2017 Chairpersons of the General Council, the Goods Council, the Services Council, the TRIPS Council and the DSB, to be chaired by the DSB Chair;
- (3) to set a deadline of 29 November 2017 at 6 pm for Members to submit nominations of candidates; and
- (4) to request the Selection Committee to carry out its work throughout December 2017 and January 2018 in order to make recommendations to the DSB as soon as possible, so that the DSB can take a decision to appoint new Appellate Body members no later than at its regular meeting scheduled for February 2018."

The proponents also request the Chair of the DSB to continue his efforts to ensure that this body fulfills the established procedures urgently. In future selection processes, the DSB should avoid similar situations of delay as the present one.
