

IV. Award

122. In the light of the above considerations, I consider that the reasonable period of time should be the period of time necessary for the United States to implement the DSB's recommendations and rulings within its domestic legal system and that the requirement of Article 2.12 of the *TBT Agreement* does not justify granting additional time in this case.

³⁸⁰ Appellate Body Report, *US – Upland Cotton*, paras. 549 and 550; Appellate Body Report, *Argentina – Footwear (EC)*, para. 81 and footnote 72 thereto (referring, in turn, to Appellate Body Report, *Korea – Dairy*, para. 81; Appellate Body Report, *US – Gasoline*, p. 23, DSR 1996:I, 3, at 21; Appellate Body Report, *Japan – Alcoholic Beverages II*, p. 12, DSR 1996:I, 97, at 106; and Appellate Body Report, *India – Patents (US)*, para. 45).

³⁸¹ Appellate Body Report, *US – Anti-Dumping and Countervailing Duties (China)*, para. 570.

123. I, therefore, determine that the reasonable period of time for the United States to implement the recommendations and rulings of the DSB in these disputes is 10 months from the date of adoption of the Panel and Appellate Body Reports on 23 July 2012. The reasonable period of time will thus end on 23 May 2013. In reaching this conclusion, I have considered that this period of time should allow the United States to implement the recommendations and rulings of the DSB regardless of whether it decides to do so by regulatory action alone or by legislative action followed by regulatory action.

Signed in the original at Geneva this 22nd day of November 2012 by:

Giorgio Sacerdoti

Arbitrator