

experiencing a 12-year "record high" for original investigations¹³⁴, and that therefore the 15 investigations at issue are a significant addition to the USDOC's workload elicit sympathy, it is to be recalled that the implementing Member is expected to use all available flexibilities within its legal system to ensure "prompt compliance" with the DSB's recommendations and rulings in accordance with Article 21 of the DSU.¹³⁵ As the United States confirmed at the hearing, prioritizing these investigations reflects the exercise of a flexibility that is available to the USDOC, and which it is expected to utilize.

3.50. In conclusion, in the light of the above considerations relating to the quantitative and qualitative aspects of implementation in the present case, and the margin of flexibility available to the implementing Member within its legal system, the Arbitrator considers that the particular circumstances of this case justify a reasonable period of time for implementation close to the 15-month guideline laid down in Article 21.3(c) of the DSU, but do not justify a longer period.

4 AWARD

4.1. In the light of the foregoing considerations, the "reasonable period of time" for the United States to implement the recommendations and rulings of the DSB in this dispute is 14 months and 16 days from 16 January 2015, that is, from the date on which the DSB adopted the Panel and Appellate Body Reports in this dispute. Thus, the reasonable period of time will expire on 1 April 2016.

Signed in the original at Geneva this 7th day of October 2015 by:

Georges M. Abi-Saab
Arbitrator

¹³⁴ United States' submission, para. 59.

¹³⁵ Award of the Arbitrator, *Brazil – Retreaded Tyres (Article 21.3(c))*, para. 73.