



NEW ZEALAND PERMANENT MISSION

TE AKA AORERE

GENEVA

19 December 2008

Mr Attie Swart
Chairman

Australia – Measures Affecting the Importation of Apples from New Zealand

c/o- Ms Serra Ayrat

Secretary to the Panel

World Trade Organization

Centre William Rappard

Rue de Lausanne 154

CH-1211 Geneva 21

Dear Mr Chairman

***AUSTRALIA – MEASURES AFFECTING THE IMPORTATION OF APPLES FROM
NEW ZEALAND (DS367)***

Further to Question 43 of the *List of Questions Posed by the Panel After First Substantive Meeting*, the Government of New Zealand and the Government of Australia are pleased to advise the Panel that they have reached agreement on the requirement listed as the twelfth bullet point in New Zealand's panel request. The parties request that the Panel record this agreement in its report in the following manner:

The Panel noted Australia's submission that it does not impose "[t]he requirement that an orchard/block be suspended for the season on the basis that any evidence of pruning or other activities carried out before the inspection could constitute an attempt to remove or hide symptoms of European canker" referred to in the twelfth bullet point of New Zealand's panel request. The Panel also noted New Zealand's advice that, based on Australia's confirmation that it does not impose such a requirement, it will not pursue its claim in relation to the twelfth bullet point of its panel request. In view of this, the Panel concluded that there was no need for it to rule on this aspect of New Zealand's claim.

The parties intend to copy this letter to third parties, and to make it publicly available.

Crawford Falconer
Ambassador

Permanent Representative of New Zealand

Bruce Gosper
Ambassador

Permanent Representative of Australia