

**UNITED STATES – CONTINUED EXISTENCE AND APPLICATION  
OF ZEROING METHODOLOGY**

Communication from the United States and the European Communities  
concerning Article 21.3(c) of the DSU

The following communication, dated 6 April 2009, from the delegation of the United States and the delegation of the European Communities to the Chairman of the Dispute Settlement Body, is circulated at the request of these delegations.

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On 19 February 2009, the Dispute Settlement Body ("DSB") adopted its recommendations and rulings in the dispute *United States – Continued Existence and Application of Zeroing Methodology* (WT/DS350). At the meeting of the DSB held on 20 March 2009, the United States notified the DSB that it intends to implement the recommendations and rulings of the DSB in this dispute and stated that it would need a reasonable period of time for implementation.

Article 21.3(c) of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* ("DSU") provides that, in absence of an agreement between the parties on a period of time, the reasonable period of time shall be determined "through binding arbitration within 90 days after the date of adoption of the recommendations and rulings".

In order to allow sufficient time for the parties to discuss a mutually agreed period, the European Communities and the United States (i) agree that, in the event an arbitration under Article 21.3(c) of the DSU is requested, it shall be completed no later than 60 days after the date of the appointment of an arbitrator, unless the arbitrator, following consultation with the parties, considers that additional time is required; and (ii) hereby confirm that any award of the arbitrator (including an award not made within 90 days after the date of adoption of the DSB recommendations and rulings) shall be deemed to be an award of the arbitrator for the purposes of Article 21.3(c) of the DSU in determining the reasonable period of time for the United States to implement the recommendations and rulings of the DSB:

We request that you circulate this notification to the Members of the DSB.

For the United States

For the European Communities

Mr. David P. Shark  
Chargé d'affaires a.i.  
Deputy Permanent Representative  
of the United States

H.E. Mr. Eckart Guth  
Ambassador  
Permanent Representative  
of the European Commission

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