

**UNITED STATES – MEASURES RELATING TO ZEROING
AND SUNSET REVIEWS**

Communication concerning Article 21.3 (c) of the DSU

The following communication, dated 25 April 2007, from the delegations of Japan and the United States to the Chairman of the Dispute Settlement Body, is circulated at the request of those delegations.

At its meeting on 23 January 2007, the Dispute Settlement Body (DSB) adopted the reports of the Panel and the Appellate Body in the dispute *United States – Measures Relating to Zeroing and Sunset Reviews* (WT/DS322). At the meeting of the DSB held on 20 February 2007, 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. On 29 March 2007, Japan requested that the reasonable period of time be determined through binding arbitration in accordance with Article 21.3(c) of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* (DSU). On 17 April 2007, Japan requested that the Director-General appoint the arbitrator in accordance with footnote 12 of the DSU.

Article 21.3(c) of the DSU provides that, in the 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." Japan and the United States (i) have agreed that any arbitration under Article 21.3(c) of the DSU 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 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.

For Japan

For the United States

Ichiro Fujisaki
Ambassador

David P. Shark
Chargé d'affaires a.i.