

**EUROPEAN COMMUNITIES AND CERTAIN MEMBER STATES –  
MEASURES AFFECTING TRADE IN LARGE CIVIL AIRCRAFT**

**Request by the United States for a Decision of the Dispute Settlement Body**

The following communication, dated 10 April 2006, from the delegation of the United States to the Chairman of the Dispute Settlement Body, is circulated at the request of the United States.

On 20 July 2005, the Dispute Settlement Body ("DSB") established a panel to examine the matters set out in the US request for the establishment of a panel circulated in document WT/DS316/2. That panel was composed on 17 October 2005.

The United States is submitting today a further request for the establishment of a panel, which the United States understands will be circulated as document WT/DS316/6.

In view of the relationship between these two panel requests, the United States considers that the efficient functioning of the dispute settlement system would be served if the matters contained in the panel request submitted today were considered by the panel established on 20 July 2005. The United States recalls that a similar policy is expressed by the provisions of Article 9.1 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* ("DSU"). The United States further recalls that in previous applications of DSU Article 9.1, the DSB took the decision, with respect to Members that wished their complaints referred to a previously established panel, both to establish the panel and to have the previously established panel also examine the subsequently submitted complaint.<sup>1</sup>

Drawing upon that experience, the United States respectfully requests that the DSB take the following decision:

- A. Agree that the panel established on 20 July 2005, will also examine the complaint contained in the request for the establishment of a panel that the United States is submitting today (WT/DS316/6);
- B. Accept the US request for the establishment of a panel submitted today; and
- C. Agree that the panel shall have the following revised terms of reference:

"To examine, in the light of the relevant provisions of the covered agreements cited by the United States in documents WT/DS316/2

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<sup>1</sup> See, e.g., *Minutes of Meeting of the Dispute Settlement Body Held on 14 June 2002*, WT/DSB/M/127, para. 8; *Minutes of Meeting of the Dispute Settlement Body Held on 24 June 2002*, WT/DSB/M/128, para. 33.

and WT/DS316/6, the matter referred to the DSB by the United States in those documents, and to make such findings as will assist the DSB in making the recommendations or in giving the rulings provided for in those agreements."

If the DSB is unable to agree to this decision, the United States reserves its rights, pursuant to DSU Articles 6 and 7, to have a panel established by negative consensus with terms of reference as provided for in DSU Article 7.1.

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