

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

Recourse to Article 22.6 of the DSU by the United States

*Communication from the Arbitrator*

The following communication, dated 7 February 2012, from the Chairperson of the Arbitrator to the Chairperson of the Dispute Settlement Body, is circulated to Members for their information.

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The United States and Japan have jointly requested the Arbitrator to continue the suspension of its work originally decided on 13 December 2010 (WT/DS322/38) (see the request attached).

On the basis of this request, the Arbitrator has decided to continue the suspension of its work.

The suspension may be terminated at any time at the written request of either Party and upon such termination the Arbitrator's work will resume.

The suspension will be automatically terminated and the Arbitrator's work will resume on 21 August 2012, unless Japan submits a written communication to the contrary to the Arbitrator by 20 August 2012.

The suspension is without prejudice to any of the Parties' claims and arguments in these dispute settlement proceedings.

The suspension will not otherwise affect the rights and obligations of either Party under the Marrakesh Agreement Establishing the World Trade Organization or in these dispute settlement proceedings.

**Communication dated 6 February 2012,  
Addressed to Mr Jose Antonio Buencamino, Chairperson of the Arbitrator,  
from the delegations of the United States and Japan**

The United States and Japan (the "Parties") wish to thank you and the other members of the Arbitrator for agreeing to serve in the above-referenced proceeding.

The parties recall that, upon their request, the Arbitrator suspended its work in this proceeding on 13 December 2010. By the letter submitted on 31 January 2012, the Parties requested the Arbitrator to continue the suspension of its work and confirmed that the work of the Arbitrator would resume on 7 February 2012, unless Japan submitted a written communication to the contrary to the Arbitrator by 6 February 2012. At this time, the Parties are pleased to inform the Arbitrator that they have signed a Memorandum of Understanding regarding this dispute. A copy of the Memorandum of Understanding is attached to this letter.\* As envisioned in the Memorandum of Understanding, the Parties would respectfully request that the Arbitrator continue the suspension of its work.

The Parties hereby confirm the following matters, which they request the Arbitrator to incorporate expressly or by reference in any decision by the Arbitrator to continue the suspension:

- the suspension may be terminated at any time at the written request of either Party and upon such termination the work of the Arbitrator will resume;
- the suspension will be automatically terminated and the work of the Arbitrator will resume on 21 August 2012, unless Japan submits a written communication to the contrary to the Arbitrator by 20 August 2012;
- the suspension is without prejudice to any of the Parties' claims and arguments in these dispute settlement proceedings; and
- the suspension will not otherwise affect the rights and obligations of either Party under the *Marrakesh Agreement Establishing the World Trade Organization* or in these dispute settlement proceedings.

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\* The Parties have requested that the Memorandum of Understanding be circulated to the Members of the Dispute Settlement Body. (Note from the Secretariat, the Memorandum of Understanding was circulated to Members as document WT/DS322/44.)