

**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 14 August 2012, has been received from the Chairperson of the Arbitrator with the request that it be circulated to the Dispute Settlement Body.

I would be grateful if you could circulate to the DSB the following communication from the Arbitrator as a document in the WT/DS322 series:

"The Arbitrator has received a joint communication dated 3 August 2012 (attached) from the parties, in which they:

- (a) recall their joint communication dated 6 February 2012, informing the Arbitrator of a Memorandum of Understanding with respect to this dispute, as well as the subsequent communication from the Arbitrator dated 9 February 2012, by which the Arbitrator decided to extend the suspension of its work through 20 August 2012;
- (b) inform the Arbitrator that Japan has now withdrawn its requests under Article 22.2 of the Understanding on Rules and Procedures Governing the Settlement of Disputes ("DSU") (WT/DS322/23 and WT/DS322/24) and that the United States accordingly no longer makes objections under Article 22.6 of the DSU; and
- (c) jointly request that the Arbitrator notify the Dispute Settlement Body that it is not necessary for the Arbitrator to issue an award.

In light of the circumstances described in this joint communication, the Arbitrator considers that it is not necessary for it to issue a decision on the matter referred to it. The Arbitrator therefore considers that it has completed its work."

**Communication dated 3 August 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 would like to express our sincere thanks to you and the other Members of the Arbitrator for your service in the above-referenced proceeding.

The United States and Japan recall their joint communication dated 6 February 2012, informing the Arbitrator of a Memorandum of Understanding with respect to this dispute, as well as the subsequent communication from the Arbitrator dated 9 February 2012, by which the Arbitrator decided to extend the suspension of its work through 20 August 2012.

The United States and Japan would like to note that Japan has now withdrawn its Article 22.2 requests (WT/DS322/23 and WT/DS322/24) and to inform the Arbitrator that the United States accordingly no longer makes objections under Article 22.6. The United States and Japan therefore respectfully request that the Arbitrator notify the Dispute Settlement Body that it is not necessary for the Arbitrator to issue an award.
