

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

Recourse by the United States to Article 22.6 of the DSU

*Communication from the Arbitrator*

The following communication has been received, on 6 June 2008, from the delegation of the United States and the delegation of Japan and addressed to Mr. Buencamino, Chairman of the Arbitrator:

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

On 10 March 2008, the Parties decided on certain procedures under Articles 21 and 22 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* ("DSU").<sup>1</sup>

Paragraph 2 of the Confirmed Procedures provides as follows:

Upon constitution of the arbitrator, the Parties will request the arbitrator to suspend its work. The Parties confirm that this request shall not be construed as a withdrawal by Japan of its request for authorization as contained in documents WT/DS322/23 and WT/DS322/24.

Paragraph 1 of the Confirmed Procedures sets out the procedures to be followed to initiate compliance proceedings under Article 21.5 of the DSU. On 7 April 2008, Japan initiated compliance proceedings by filing a request for the establishment of a panel.<sup>2</sup>

Paragraph 3 of the Confirmed Procedures provides as follows:

The arbitration will resume upon a request made by either Party following the adoption by the DSB of the Article 21.5 Panel report and, if any, the Appellate Body report, if:

- (a) The DSB finds that a measure taken to comply with the DSB's 23 January 2007 recommendations and rulings in this dispute does not exist or is inconsistent with a covered agreement, or

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<sup>1</sup> WT/DS322/26 (the "Confirmed Procedures").

<sup>2</sup> WT/DS322/27.

- (b) There is no disagreement between the Parties that a measure taken to comply does not exist with regard to certain measures subject to the DSB's 23 January 2007 recommendations and rulings.

Accordingly, the Parties hereby request the Arbitrator to suspend its work."

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In accordance with the parties' joint request, the Arbitrator has suspended the arbitration proceedings from 9 June 2008 until either party requests their resumption under the circumstances agreed between the parties on 10 March 2008.

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