

**JAPAN – COUNTERVAILING DUTIES ON DYNAMIC  
RANDOM ACCESS MEMORIES FROM KOREA**

Communication from Japan and Korea

The following communication, dated 10 March 2008, from the delegation of Japan and the delegation of Korea to the Chairman of the Dispute Settlement Body, is circulated at the request of these delegations.

At its meeting on 17 December 2007, the Dispute Settlement Body (DSB) adopted the Appellate Body report and the Panel report as modified by the Appellate Body report in the dispute *Japan – Countervailing Duties on Dynamic Random Access Memories from Korea* (WT/DS336). At the meeting of the DSB held on 15 January 2008, Japan 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 25 February 2008, Korea 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).

Japan and Korea (the "parties") have agreed on the appointment of Mr. David Unterhalter as the arbitrator in these proceedings and, by a joint letter dated 4 March 2008, requested Mr. Unterhalter to act as the arbitrator in this dispute. In a letter dated 5 March 2008, Mr. Unterhalter accepted the appointment.

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 of the DSB. The parties, in the joint letter dated 4 March 2008, (i) decided that any arbitration under Article 21.3(c) of the DSU will be completed no later than 60 days after the date of the acceptance of the appointment by the arbitrator, unless the arbitrator, following consultation with the parties, considers that additional time is required; and (ii) thereby confirmed that any award of the arbitrator (including an award not made within 90 days after the date of adoption of the recommendations and rulings) will 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 Japan to implement the recommendations and rulings of the DSB.

Ichiro Fujisaki  
Ambassador  
Permanent Representative of Japan  
to the WTO

Lee Sung-joo  
Ambassador  
Permanent Representative of the Republic of Korea  
to the WTO