

**UNITED STATES – FINAL COUNTERVAILING DUTY DETERMINATION  
WITH RESPECT TO CERTAIN SOFTWOOD LUMBER FROM CANADA**

Recourse to Article 22.6 of the DSU by the United States

*Communication from the Arbitrator*

The following communication, dated 15 February 2005, has been received from the delegation of the United States and the delegation of Canada, and addressed to Mr Elbio O. Rosselli, Chairman of the arbitrators.

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The United States and Canada wish to thank you and the other arbitrators for accepting to serve in the above-referenced proceeding.

On 30 December 2004, Canada requested that the WTO Dispute Settlement Body establish a panel under Article 21.5 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* ("DSU") and simultaneously requested authorization under Article 22.2 of the DSU to suspend concessions or other obligations with respect to the United States. The United States objected to the Canadian Article 22.2 request on 13 January 2005. The matter has been referred to arbitration pursuant to Article 22.6 of the DSU. The United States and Canada understand that you and the other arbitrators have also accepted to serve as panelists in the Article 21.5 compliance proceeding. In accordance with paragraph 5 of the "Agreed Procedures under Articles 21 and 22 of the Dispute Settlement Understanding Applicable to the WTO Dispute: United States – Final Countervailing Duty Determination with Respect to Certain Softwood Lumber from Canada (WT/DS257)," dated 14 January 2005 (WT/DS257/18), the United States and Canada request that the Article 22.6 arbitration proceedings be suspended until either party requests their resumption following adoption by the DSB of the recommendations and rulings in the Article 21.5 compliance proceedings.

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In accordance with the joint request by the parties, the Arbitrator has suspended the arbitration proceeding.

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