

**EUROPEAN COMMUNITIES AND CERTAIN MEMBER STATES –  
MEASURES AFFECTING TRADE IN LARGE CIVIL AIRCRAFT**

Recourse to Article 22.6 of the DSU by the United States

*Communication from the Arbitrator*

The following communication, dated 19 January 2012 and addressed to the Chairperson of the Arbitrator, has been received from the delegation of the United States and the delegation of the European Union.

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The European Union and the United States (the "Parties") wish to thank you and the other arbitrators for accepting to serve in the above-captioned proceeding.

On 12 January 2012, the Parties reached agreement on certain procedures under Articles 21 and 22 of the DSU and Article 7 of the SCM Agreement (WT/DS316/21) (the "Agreed Procedures").

Paragraphs 1 to 5 of the Agreed Procedures set out the procedure to be followed for compliance proceedings under Article 21.5 of the DSU. Paragraph 6 of the Agreed Procedures states the following:

The United States has requested the DSB to authorize countermeasures pursuant to Article 22.2 of the DSU and Article 7.9 of the SCM Agreement. As the matter has been referred to arbitration, the United States and the EU shall request the arbitrator to suspend that proceeding. In the event that the DSB following a proceeding under Article 21.5 of the DSU rules that a measure taken to comply does not exist or is inconsistent with a covered agreement, either party may request the Article 22.6 arbitrator to resume its work.

Accordingly, the Parties hereby request the Arbitrator to suspend its work. As noted, the Parties have agreed that in the event that the DSB following a proceeding under Article 21.5 of the DSU rules that a measure taken to comply does not exist or is inconsistent with a covered agreement, either party may request the Article 22.6 arbitrator to resume its work.

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In accordance with the parties' joint request, the Arbitrator has suspended the arbitration proceedings from 20 January 2012 until either party requests their resumption.

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