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**UNITED STATES – MEASURES AFFECTING THE PRODUCTION
AND SALE OF CLOVE CIGARETTES**

RECOURSE TO ARTICLE 22.6 OF THE DSU BY THE UNITED STATES

The following communication, dated 22 August 2013, from the delegation of the United States to Chairperson of the Dispute Settlement Body, is circulated pursuant to Article 22.6 of the DSU.

Regarding Indonesia's recourse to Article 22.2 of the Understanding on Rules and Procedures Governing the Settlement of Disputes ("DSU") in the dispute *United States – Measures Affecting the Production and Sale of Clove Cigarettes* (WT/DS406/12), my authorities have instructed me to inform you that, pursuant to Article 22.6 of the DSU, the United States (i) objects to the level of suspension of concessions or other obligations under the General Agreement on Tariffs and Trade 1994, the Agreement on Technical Barriers to Trade, and the Agreement on Import Licensing Procedures proposed by Indonesia in document WT/DS406/12, and (ii) claims that Indonesia's proposal in document WT/DS406/12 does not follow the principles and procedures set forth in Article 22.3 of the DSU.

Accordingly, as required by Article 22.6 of the DSU¹, the matter has been referred to arbitration.

¹ Pursuant to Article 22.6 of the DSU, "if the Member concerned objects to the level of suspension proposed, or claims that the principles and procedures set forth in paragraph 3 have not been followed where a complaining party has requested authorization to suspend concessions or other obligations pursuant to paragraph 3(b) or (c), the matter shall be referred to arbitration."