

WORLD TRADE ORGANIZATION

WT/DS136/10
WT/DS162/13
19 December 2000
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UNITED STATES – ANTI-DUMPING ACT OF 1916

Surveillance of Implementation of Recommendations and Rulings

Appointment of Arbitrator under Article 21.3(c) of the Understanding on Rules and Procedures Governing the Settlement of Disputes

The following communication, dated 19 December 2000, from the Permanent Delegation of the European Commission, the Permanent Mission of Japan and the Permanent Mission of the United States, to the Director-General, is circulated pursuant to Article 21.3(c) of the *Understanding on Rules and Procedures Governing the Settlement of Disputes*.

We refer you to the communication from Japan and the European Communities, dated 17 November (WT/DS136/9 and WT/DS162/12), requesting binding arbitration under Article 21.3(c) of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* (the "DSU") to determine the reasonable period of time for the United States of America to implement the recommendations and rulings of the Dispute Settlement Body (the "DSB") in the matter *United States – Anti-Dumping Act of 1916 – Request by Japan and the European Communities* (WT/DS136 and 162), adopted on 26 September 2000.

The Parties to the dispute, the United States, Japan and the European Communities, have agreed on an Arbitrator, pursuant to footnote 12 to Article 21.3(c) of the DSU: Mr. A.V. Ganesan. We are writing to request you to officially convey to Mr. A.V. Ganesan our agreement that he act as arbitrator in this matter. We would also appreciate that he be assisted in his functions, as arbitrator under Article 21.3(c) of the DSU, by the staff of the Appellate Body Secretariat.

With respect to the time period for this binding arbitration, Article 21.3(c) of the DSU requires that the reasonable period of time for implementation be determined through binding arbitration within 90 days after the date of adoption of the recommendations and rulings by the DSB. This adoption took place on 26 September 2000; this 90-day period is about to expire. We, the Parties to this dispute, have agreed to extend the period of time for this binding arbitration until 28 February 2001. We have agreed that the award of the arbitrator, made no later than 28 February 2001, shall be deemed to be the award of the arbitrator for the purposes of Article 21.3(c) of the DSU in determining the reasonable period of time for the United States to implement the recommendations and rulings of the DSB.

We are grateful for your assistance in this matter.
