

**EUROPEAN COMMUNITIES – MEASURES AFFECTING THE APPROVAL
AND MARKETING OF BIOTECH PRODUCTS**

Recourse by the European Communities to Article 22.6 of the DSU

Communication from the Arbitrator

The following communication, dated 15 February 2008, has been received from the delegation of the European Communities and the delegation of the United States and addressed to Mr. Christian Häberli, Chairman of the Arbitrator:

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

On 14 January 2008, the Parties reached agreement on certain procedures under Articles 21 and 22 of the DSU (WT/DS291/38) (the 'Agreed Procedures').

Paragraph 2 of the Agreed Procedures states the following:

After the referral of the matter to Article 22.6 arbitration, the parties will request the Article 22.6 arbitrator, at the earliest possible moment, to suspend its work. The arbitration will resume if and when the condition in paragraph 6 is fulfilled.

Paragraphs 3 to 5 of the Agreed Procedures set out the procedure to be followed to initiate compliance proceedings under Article 21.5 of the DSU.

Paragraph 6 of the Agreed Procedures provides as follows:

In the event that the DSB finds that a measure taken to comply with the recommendations and rulings of the DSB in this dispute does not exist or is inconsistent with a covered agreement, the Article 22.6 arbitrator will resume its work at the request of the United States.

Accordingly, the Parties hereby request the Arbitrator to suspend its work. As noted, the Parties have agreed that the arbitration will resume at the request of the United States if and when the DSB finds that a measure taken to comply with the recommendations and rulings of the DSB in this dispute does not exist or is inconsistent with a covered agreement."

In accordance with the parties' joint request, the Arbitrator has suspended the arbitration proceedings from 18 February 2008 until the United States requests their resumption under the circumstances agreed between the parties on 14 January 2008.
