



27 June 2014

(14-3711)

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

RECOURSE TO ARTICLE 22.6 OF THE DSU BY INDONESIA

Communication from the Arbitrator

The following communication, dated 24 June 2014, has been received from the Chairman of the Arbitrator with the request that it be circulated to the Dispute Settlement Body.

I would be grateful if you could circulate the following communication to the Dispute Settlement Body:

In a communication dated 23 June 2014, the United States and Indonesia jointly requested the Arbitrator to suspend the circulation of its decision (see the request attached).

The parties requested that the Arbitrator set the following conditions for such a suspension: (i) the suspension can be terminated at any time, at the written request of either Party, and upon such termination the Arbitrator will circulate the decision following notice to the Parties as set out in these conditions; (ii) no decision of the Arbitrator shall be circulated while the suspension is in place, and the confidentiality of any draft decision shall be maintained until the decision is circulated; (iii) upon the termination of such a suspension the Arbitrator shall provide the Parties with at least one week's advance notice of the date of circulation of any decision; and (iv) the suspension is without prejudice to either Party's rights or arguments in these dispute settlement proceedings.

The Arbitrator has granted the parties' joint request to suspend the circulation of its decision in accordance with the conditions set forth above.

**Communication dated 23 June 2014,
Addressed to Mr Ronald Saborío Soto, Chairperson of the Arbitrator,
from the delegations of Indonesia and the United States**

Indonesia and the United States (the "Parties") wish to thank you and the other members of the Arbitrator for agreeing to serve in the above-referenced proceeding.

Indonesia and the United States would like to inform the Arbitrator that the Parties have engaged in informal discussions with respect to this dispute. In this context, the Parties respectfully request the Arbitrator to suspend the circulation of the Arbitrator's award.

The Parties further request the Arbitrator to set the following conditions for such a suspension:

- the suspension can be terminated at any time, at the written request of either Party, and upon such termination the Arbitrator will circulate the award following notice to the Parties as set out in these conditions;
- no award of the Arbitrator shall be circulated while the suspension is in place, and the confidentiality of any draft award shall be maintained until the award is circulated;
- upon the termination of such a suspension the Arbitrator shall provide the Parties with at least one week's advance notice of the date of circulation of any award; and
- the suspension is without prejudice to either Party's rights or arguments in these dispute settlement proceedings.

The Parties appreciate the Arbitrator's consideration of this request.

(Signed)

(Signed)

H.E. Mr. Syafri Baharuddin
Ambassador
Permanent Mission of Indonesia

H.E. Mr. Michael Punke
Ambassador
Permanent Mission of the United States
