



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

**RECOURSE TO ARTICLE 7.9 OF THE SCM AGREEMENT AND  
ARTICLE 22.7 OF THE DSU BY THE UNITED STATES**

The following communication, dated 2 October 2019, from the delegation of the United States to the Chairperson of the Dispute Settlement Body, is circulated pursuant to Article 7.9 of the SCM Agreement and Article 22.7 of the DSU.

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Further to the U.S. request of December 9, 2011,<sup>1</sup> and in light of the decision of the Arbitrator in European Communities and Certain member States – Measures Affecting Trade in Large Civil Aircraft: Recourse to Article 22.6 of the DSU by the European Union,<sup>2</sup> the United States requests authorization from the Dispute Settlement Body ("DSB") to take countermeasures with respect to the European Union ("EU") and certain member States (Germany, France, Spain, and the United Kingdom) "at a level not exceeding, in total, USD 7,496.623 million annually."<sup>3</sup>

The United States makes this request pursuant to Article 7.9 of the *Agreement on Subsidies and Countervailing Measures* ("SCM Agreement") and Article 22.7 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* ("DSU").

The countermeasures will take the form of (a) suspension of tariff concessions and related obligations under the *General Agreement on Tariffs and Trade 1994* and/or (b) suspension of horizontal or sectoral commitments and obligations contained in the U.S. services schedule with regard to all services defined in the Services Sectoral Classification List, except for financial services.<sup>4</sup>

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<sup>1</sup> WT/DS316/18 (12 December 2011).

<sup>2</sup> WT/DS316/ARB (02 October 2019).

<sup>3</sup> WT/DS316/ARB, para. 9.2.

<sup>4</sup> See WT/DS316/ARB, para. 9.2.