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**UNITED STATES – MEASURES AFFECTING TRADE  
IN LARGE CIVIL AIRCRAFT  
(SECOND COMPLAINT)**

**RECOURSE TO ARTICLE 7.9 OF THE SCM AGREEMENT AND  
ARTICLE 22.7 OF THE DSU BY THE EUROPEAN UNION**

The following communication, dated 15 October 2020, from the delegation of the European Union 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 EU request of 27 September 2012<sup>1</sup> and in light of the decision of the Arbitrator in United States — Measures Affecting Trade in Large Civil Aircraft — Second Complaint: Recourse to Article 22.6 of the DSU by the United States,<sup>2</sup> the European Union requests authorization from the Dispute Settlement Body ("DSB") to take countermeasures with respect to the United States (U.S) at a level not exceeding USD 3,993,212,564 annually.<sup>3</sup>

The European Union 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 other related obligations under the GATT 1994 on a list of US products to be established in due course; (b) suspension of concessions and other obligations under the SCM Agreement; and/or (c) under the GATS, suspension of horizontal or sectoral commitments contained in the consolidated EU Schedule of Specific Commitments, as supplemented to incorporate the individual Schedules of Specific Commitments of its Member States, with regard to all principal sectors identified in the Services Sectoral Classification List.<sup>4</sup>

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<sup>1</sup> WT/DS353/17 (2 October 2012)

<sup>2</sup> WT/DS353/ARB (13 October 2020)

<sup>3</sup> WT/DS353/ARB para 8.2

<sup>4</sup> WT/DS353/ARB para 7.1