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ARGENTINA – MEASURES AFFECTING THE IMPORTATION OF GOODS

NOTIFICATION OF AN OTHER APPEAL BY JAPAN UNDER ARTICLE 16.4 AND ARTICLE 17 OF THE UNDERSTANDING ON RULES AND PROCEDURES GOVERNING THE SETTLEMENT OF DISPUTES (DSU), AND UNDER RULE 23(1) OF THE WORKING PROCEDURES FOR APPELLATE REVIEW

The following notification, dated 1 October 2014, from the Delegation of Japan, is being circulated to Members.

Pursuant to Article 16.4 and Article 17 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* ("DSU") and Rule 23 of the *Working Procedures for Appellate Review*, Japan hereby notifies its decision to appeal to the Appellate Body certain issues of law covered in the Panel Report in *Argentina – Measures Affecting the Importation of Goods* (WT/DS445/R) and certain legal interpretations developed by the Panel in this dispute.

The Panel Report was based on a meticulous and objective review of the extensive factual record before it, as well as sound legal reasoning. Japan appeals only one limited aspect of the Panel Report, in accordance with Rule 23(2)(c)(ii) of the *Working Procedures for Appellate Review*. In particular, Japan submits that the Panel erred by exercising false judicial economy with respect to Japan's claim against the TRRs measure under Article X:1 of the GATT 1994, as reflected at paragraphs 6.305 and 7.9(g) of its Report. This exercise of judicial economy was false because it would prevent an "effective resolution" of this dispute. In declining to address Japan's claim under Article X:1, the Panel falsely applied judicial economy and acted inconsistently with its obligations under Articles 3.4, 3.7, 7.2, and/or 11 of the DSU. Japan therefore respectfully requests that the Appellate Body reverse the Panel's exercise of judicial economy in this regard and complete the analysis to find that Argentina administers the TRRs measure in a manner that is inconsistent with its obligations under Article X:1.
