

**UNITED STATES – DEFINITIVE SAFEGUARD MEASURES ON IMPORTS OF
CIRCULAR WELDED CARBON QUALITY LINE PIPE FROM KOREA**

Notification of an Appeal by the United States
under paragraph 4 of Article 16 of the Understanding on Rules
and Procedures Governing the Settlement of Disputes (DSU)

The following notification, dated 19 November 2001, sent by the Permanent Mission of the United States to the Dispute Settlement Body (DSB), is circulated to Members. This notification also constitutes the Notice of Appeal, filed on the same day with the Appellate Body, pursuant to the *Working Procedures for Appellate Review*.

Pursuant to Article 16 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* ("DSU") and Rule 20 of the *Working Procedures for Appellate Review*, the United States hereby notifies its decision to re-file its appeal to the Appellate Body of certain findings of law and legal interpretations contained in the Panel Report in *United States – Definitive Safeguard Measures on Imports of Circular Welded Carbon Quality Line Pipe from Korea* (WT/DS202/R). The United States seeks review by the Appellate Body of the following Panel's conclusions that are based upon erroneous findings on issues of law and on related legal interpretations:

- 1) That the United States acted inconsistently with Articles 3.1 and 4.2(c) of the *Agreement on Safeguards* by failing to include in its published report a finding or reasoned conclusion either (1) that increased imports have caused serious injury, or (2) that increased imports are threatening to cause serious injury.
 - 2) That the United States acted inconsistently with Article 4.2(b) of the *Agreement on Safeguards* by failing to establish a causal link between increased imports and the serious injury, or threat thereof.
 - 3) That the United States acted inconsistently with its obligations under Article 12.3 of the *Agreement on Safeguards* by failing to provide an adequate opportunity for prior consultations with Members having a substantial interest as exporters of line pipe.
 - 4) That the United States acted inconsistently with its obligations under Article 8.1 of the *Agreement on Safeguards* to endeavor to maintain a substantially equivalent level of concessions and other obligations.
 - 5) That the United States applied the line pipe safeguard to developing countries whose imports do not exceed the individual and collective thresholds in Article 9.1 of the *Agreement on Safeguards*.
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