



31 January 2019

(19-0576)

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Original: English

**UNITED STATES – COUNTERVAILING MEASURES ON CERTAIN PIPE  
AND TUBE PRODUCTS (TURKEY)**

**NOTIFICATION OF AN OTHER APPEAL BY TURKEY  
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 communication, dated 30 January 2019, from the delegation of Turkey, is being circulated to Members.

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1. 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, Turkey hereby notifies its decision to appeal to the Appellate Body certain issues of law and certain legal interpretations in the Report of the Panel in *United States – Countervailing Duty Measures on Certain Pipe and Tube Products from Turkey* (WT/DS523/R & WT/DS523/R/Add.1).

2. In particular, Turkey conditionally seeks review by the Appellate Body of the Panel's finding at paragraph 7.64 of its Report that it was not necessary, in order to resolve this dispute, to separately rule on whether the USDOC determined that OYAK is a public body in a manner inconsistent with Article 1.1(a)(1) of the Agreement on Subsidies and Countervailing Measures. Turkey's appeal of this Panel finding is conditional upon the Appellate Body's reversal of the Panel's findings regarding OYAK, at paragraphs 7.38 to 7.40 of the Panel's Report, as requested by the United States. Turkey submits that in making its finding at paragraph 7.64 of its Report, the Panel erred in failing to make an objective assessment of the matter before it in accordance with Article 11 of the DSU by exercising false judicial economy. Turkey respectfully requests that the Appellate Body reverse this Panel finding and complete the legal analysis with regard to OYAK to find that the USDOC's determination that OYAK is a public body is inconsistent with Article 1.1(a)(1) of the SCM Agreement.

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