

**UNITED STATES – TRANSITIONAL SAFEGUARD MEASURE ON
COMBED COTTON YARN FROM PAKISTAN**

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

The following notification, dated 9 July 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 notifies its decision to appeal to the Appellate Body certain issues of law covered in the Panel report on *United States - Transitional Safeguard Measure on Combed Cotton Yarn* (WT/DS192/R) and certain legal interpretations developed by the Panel.

The United States seeks review by the Appellate Body of the following Panel determinations, which the United States believes to be in error and based upon erroneous findings on issues of law and interpretations of various provisions of the WTO *Agreement on Textiles and Clothing*:

- (1) the Panel's finding that it could examine the U.S. determination in light of all the facts submitted by the parties, including evidence that was not considered by or not available to the U.S. authority at the time of its determination;
 - (2) the Panel's conclusion that the United States acted inconsistently with Article 6.2 by excluding the production of combed cotton yarn by vertically integrated producers for their own use from the scope of the 'domestic industry producing like and/or directly competitive products' with imported combed cotton yarn; and
 - (3) the Panel's determination that Article 6.4 requires attribution to all Members causing serious damage or actual threat thereof and that the United States acted inconsistently with its obligations under Article 6.4 by not examining individually the effect of imports from Mexico and possibly other appropriate Members.
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