

**KOREA – MEASURES AFFECTING IMPORTS OF FRESH,  
CHILLED AND FROZEN BEEF**

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

The following notification, dated 11 September 2000, sent by the Republic of Korea 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*.

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Pursuant to paragraph 4 of Article 16 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (the "DSU") and Rule 20 of the Working Procedures for Appellate Review, the Government of Korea hereby notifies its decision to appeal certain issues of law covered in the Panel Report on *Korea – Measures Affecting Imports of Fresh, Chilled and Frozen Beef* (WT/DS161/R, WT/DS169/R) and certain legal interpretations developed by the Panel. The present Notice of Appeal relates to the following findings of the Panel:

1. The Panel erred in its finding with respect to Section I, Part IV of Korea's Schedule LX of the WTO Agreements. The Panel found that the figures without brackets in Section I must be treated as constituting Korea's commitments. In doing so, the Panel ruled on an issue not covered in its terms of reference. Furthermore, it based its findings on an erroneous interpretation of Korea's Schedule LX.
2. The Panel erred by ruling on the calculating methodology of Korea's domestic support to the cattle industry. The issue was not before the Panel, because Australia and the United States neither made a claim against the calculating methodology nor included Annex 3 of the Agreement on Agriculture as a treaty provision claimed to have been violated. Furthermore, the Panel based its findings on an erroneous interpretation of Article 1 of the Agreement on Agriculture.
3. The Panel erred by finding that the dual retail system was inconsistent with Korea's obligations under Article III:4 of GATT 1994, because the Panel reached its findings on the basis of an erroneous interpretation of Article III:4 of GATT 1994. Were the Appellate Body to support the Panel's finding that the dual retail system violates Article III:4 of GATT 1994, however, Korea seeks review by the Appellate Body of the Panel's finding that Korea's defence with respect to this measure does not comply with Article XX(d) of GATT 1994. In addition, the Panel failed to make sufficient factual findings with respect to Articles III:4 and XX(d) of GATT 1994.

4. The Panel erred by finding that the requirement to display a sign "*Specialized Imported Beef Store*" was inconsistent with Korea's obligations under Article III:4 of GATT 1994, because the Panel reached its findings on the basis of an erroneous interpretation of Article III:4 of GATT 1994. Moreover, the Panel failed to make sufficient factual findings with respect to Article III:4 of GATT 1994. Were the Appellate Body to support the Panel's finding that the requirement to display a sign violates Article III:4 of GATT 1994, however, Korea seeks the Appellate Body's ruling on Korea's defense under Article XX(d) of GATT 1994 since the Panel failed to address Korea's Article XX(d) of GATT 1994 defense.

The Government of Korea respectfully requests the Appellate Body to reverse the findings and conclusions of the Panel and to modify accordingly the recommendations of the Panel.

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