

**EUROPEAN COMMUNITIES – ANTI-DUMPING DUTIES ON IMPORTS  
OF COTTON-TYPE BED LINEN FROM INDIA**

Recourse to Article 21.5 of the DSU by India

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

The following notification, dated 8 January 2003, sent by India 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 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*, India hereby notifies its decision to appeal to the Appellate Body certain issues of law and legal interpretations covered in the Panel Report on *European Communities – Anti-Dumping Duties on Imports of Cotton-Type Bed Linen from India: Recourse to Article 21.5 of the DSU by India* (WT/DS141/RW, dated 29 November 2002).

The appeal relates to the following issues of law and legal interpretations developed by the Panel in its Report:

- (a) The Panel erred in law in concluding that the EC did not act inconsistently with Articles 3.1 and 3.2 of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 ("Anti-Dumping Agreement") in paragraph 6.144 of the Panel Report and reasoning leading thereto;
- (b) The Panel erred in law in finding that the EC did have information before it on the injury factors under Article 3.4 of the Anti-Dumping Agreement in paragraph 6.169 of the Panel Report and reasoning leading thereto. In reaching this conclusion the Panel failed in its obligations under Article 17.6 of the Anti-Dumping Agreement and Article 11 of the DSU; and
- (c)
  - (i) The Panel erred in law in finding that India's claim 6 under Article 3.5 of the Anti-Dumping Agreement was not properly before it in paragraph 6.53 of the Panel Report and reasoning leading thereto;
  - (ii) The Panel erred in law in finding that the EC's measure is not inconsistent with Article 3.5 of the Anti-Dumping agreement for failure to ensure that injuries caused by other factors are not attributed to dumped imports in paragraph 6.246 of the Panel Report and reasoning leading thereto.

Accordingly, India requests the Appellate Body to reverse the conclusions reached by the Panel in paragraphs 7.1-7.3 of the Report as it considers them to be error in law and based upon erroneous findings on issues of law and related legal interpretations.

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