Decisions of the Appellate Body of the World Trade Organization

Joel Trachtman*

WTO Appellate Body Report: *United States — Safeguard Measures on Imports of Fresh, Chilled or Frozen Lamb Meat from New Zealand and Australia,* AB-2001–1, WT/DS177,178/AB/R (01–2194), adopted by Dispute Settlement Body, 16 May 2001. United States, Appellant/Appellee; Australia, Appellant/Appellee; New Zealand, Appellant/Appellee; European Communities, Third Participant. Division: Ehlermann, Bacchus, and Ganesan. Major Topics Addressed by Appellate Body: GATT Article XIX; Agreement on Safeguards; relationship between Article XIX and the Agreement on Safeguards; role of 'unforeseen developments'; like products and domestic industry under Agreement on Safeguard 4.1(c); determination of threat of serious injury; standard of review; causal link between increased imports and threat of serious injury.

WTO Appellate Body Report, *United States — Anti-Dumping Measures on Certain Hot Rolled Steel Products from Japan* AB-2001–2, WT/DS184/AB/R (01–3642), adopted by Dispute Settlement Body, 23 August 2001. United States, Appellant/Appellee; Japan, Appellant/Appellee; Brazil, Canada, Chile, European Communities, Korea, Third Participants. Division: Taniguchi, Feliciano, and Lacarte-Muró. Major Topics Addressed by Appellate Body: use of 'facts available' under Article 6.8 of the Anti-Dumping Agreement; calculation of an 'all others' anti-dumping duty using 'facts available' under Article 9.4 of the Anti-Dumping Agreement; determination of sales 'outside the ordinary course of trade' under Article 2.1 of the Anti-Dumping Agreement; compliance of exclusion of 'captive production' under Article 3.1 and 3.4 of the Anti-Dumping Agreement; attribution of causation of material injury to causes other than dumped imports under Article 3.5 of the Anti-Dumping Agreement; Article 17.6 of the Anti-Dumping Agreement.

WTO Appellate Body Report: *United States — Transitional Safeguard Measure On Combed Cotton Yarn From Pakistan,* AB-2001–3, WT/DS192/AB/R, adopted by Dispute Settlement Body, 5 November 2001. United States, Appellant; Pakistan, Appellee; European Communities and India, Third Participants. Division: Abi-Saab, Ehlermann, and Ganesan. Major Topics Addressed by Appellate Body: Transitional Safeguards Measures under Article 6 of the Agreement on Textiles and Clothing;

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* Professor at the Fletcher School of Law and Diplomacy, Tufts University.

Right of Panel under Article 11 of the Dispute Settlement Understanding to Examine Evidence That Was Not Before the Administering Authority; Inclusion of Captive Producers in Domestic Industry under Article 6.2 of ATC; Attribution of Causation to Multiple States under Article 6.4 of ATC.

WTO Appellate Body Report: *Mexico — Anti-Dumping Investigation of High Fructose Corn Syrup (HFCS) from the United States — Recourse to Article 21.5 of the DSU by the United States,* AB-2001–5, WT/DS132/AB/RW, Adopted by Dispute Settlement Body, 21 November 2001. Mexico, Appellant; United States, Appellee; European Communities, Third Participant. Division: Feliciano, Abi-Saab, and Ehlermann. Major Topics Addressed by Appellate Body: Application of Consultation Requirement under Article 4.7 of the Dispute Settlement Understanding in Article 21.5 Proceedings; Threat of Material Injury under the Anti-Dumping Agreement; Reasoning of the Panel under Article 12.7 of the Dispute Settlement Understanding.

WTO Appellate Body Report: *United States — Import Prohibition Of Certain Shrimp and Shrimp Products* — Recourse to Article 21.5 of the DSU by Malaysia, AB-2001–4, WT/DS58/AB/RW, Adopted by Dispute Settlement Body, 21 November 2001. Malaysia, Appellant; United States, Appellee; Australia, European Communities, Hong Kong, India, Japan, Mexico, and Thailand, Third Participants. Division: Bacchus, Ganesan, and Lacarte-Muró. Major Topics Addressed by Appellate Body: Chapeau of Article XX of GATT; Scope of Review under Article 21.5 of the DSU.

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